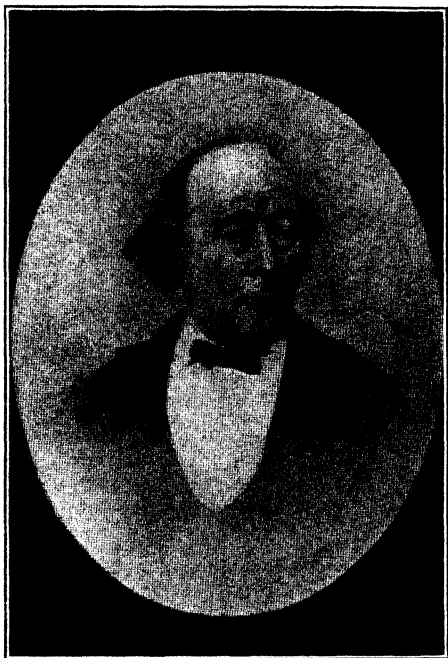


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HISTORY OF THE TAXES ON KNOWLEDGE

Their Origin and Repeal

BY
COLLET DOBSON COLLET

WITH AN INTRODUCTION BY
GEORGE JACOB HOLYOAKE

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PUBLISHERS' NOTE

IN re-issuing this book in the Thinker's Library it has been found necessary to reduce its size, but it is believed that nothing of historical value has been omitted. The Schedule to the Act of 1836 is given in an Appendix in order to make clear the numerous references to its involved and apparently contradictory wording. The Index has been considerably enlarged.

INTRODUCTION

It is an inadequate thing to say that the author of this book was a remarkable man. Remarkable men are common. But unusual men are not common, and Collet was an unusual man. For more than fifty years I was associated with him in public affairs, and I never knew any one so discerning as he in choosing a public cause, so incessant in promoting it, with such plenitude of resource for attaining it. He had absolute disinterestedness—never having concern for himself, and never seeking any remuneration for public work he did; though sometimes—not often—something came to him from the consideration of others, but never on his solicitation and never adequate to his ceaseless services. Many a time he has come to my house at midnight to discuss some new point he thought of importance. He had all the qualities of a great secretary, as the narrative of this book shows. He habitually sought the opinion of the Committee before acting in its name. He read every letter to them and every document proposed to be issued. When they differed on points of policy, or terms of expression, he deferred to the views of others, not only with acquiescence, but willingness. During the more than twenty years in which I have been chairman of the Travelling Tax Abolition Committee (which succeeded the agitation for untaxed knowledge) I remember no instance to the contrary of his ready deference. In the Twelve Years' Contest of which these pages are the History, his fertility in suggestion was of great advantage to the Committee. From among them Mr. Bright, Mr. Gibson, or Mr. Cobden (who had an instinct of fitness) would select the most suited to the purpose in hand. Early in life Mr. Collet studied for the law, and retained a passion for it, which was a constant advantage in dealing with Acts which during a hundred and forty-three years had enchained the Press. No one now remains who could tell or so fully interpret what took place in those now distant days, since his were the only hands

through which all the documents passed—and who was present at consultations unknown to the public.

What will strike every reader of this book is its conspicuous dispassionateness. It is free from all injustice of imputation. Its abiding charm is its scrupulous fairness to every Government with which we came in contact, and to heads of departments with whom unceasing war was waged. Their personal honour was never confused with the mischievous Acts they were compelled to enforce. The History is that of a model agitation in its thoroughness and steadfastness, in fairness and courtesy.

The reader will meet with several passages referring to the important services of Mr. John Francis, publisher of the *Athenæum*. As early as 1830 he was struck by the inscription on the *Examiner* newspaper of these words: "Paper and print 3½d., Taxes on Knowledge 3½d., price 7d." This inspired Mr. Francis with the determination to accelerate the extinction of the malevolent imposts upon Intelligence—a determination which never ceased to animate him. Nineteen years later, in January, 1849, he took an office in Salisbury Street, and on the 5th of May, the London Association, founded by him for the Repeal of the Advertisement Duty, issued its first circular (two months after the formation of the Taxes on Knowledge Abolition Committee, whose proceedings are the main subject of this History). William Ewart, the member for Dumfries, was the president of the new Association, John Francis its treasurer, John McEnteer its secretary. Among the most earnest of its supporters was Knight Hunt, the Editor of the *Daily News*, who succeeded Charles Dickens. James Grant of the *Morning Advertiser*, Herbert Ingram of the *Illustrated London News*, and Murdo Young of the *Sun* were others. At that time the tax was 1s. 6d. upon each advertisement. The servant girl in want of a situation paid the same sum as the rich man who advertised his estate for sale. When Mr. Gladstone was willing to reduce the tax to 6d. Mr. Francis firmly rejected the idea, as the mitigation would but prove the indefinite continuation of the tax. When the repeal of the Paper Duty was proposed by Mr. Milner-Gibson in 1858, Mr. Francis founded the Newspaper and Periodical Association for the Repeal of the Paper Duty. Milner-Gibson was its president, John Cassell chairman, John Francis treasurer,

and Henry Vizetelly secretary. The chairman, treasurer, and secretary went to Scotland and Ireland, forming branch associations. The reader will see elsewhere in these pages record and recognition of the influence of the *Athenæum* and the zeal of Mr. Francis in this cause, by which so many have benefited and for which few had discernment enough to care. Mr. Francis had repeated interviews, on deputation and otherwise, with Mr. Gladstone, Sir George Cornewall Lewis, and others, and it was largely owing to Mr. Francis that the important concession was made of four ounces of printed matter going through the post for one penny, which enabled many propagandist journals, which could not command a circulation by newsagents, to exist by a circulation through the post.

Mr. Collet wrote much in his long and busy life, but no work so compact and historic as this. The narrative never lingers, and is illumined by pertinences of thought and expression belonging only to competence and experience. Friends of the author thought such a work ought to be printed as a personal memorial, as well as from its intrinsic importance to every journalist, to every librarian, to every lover and reader of books or newspapers. Yet publishers thought that, like a law book, it would sell only to the profession. But the profession in this case is that of literature and newspapers, the largest profession in the world, increasing by millions of members every year, who will all have curiosity—most of them sense and many gratitude. They will ask how they came by the priceless facilities of knowledge denied to their forefathers. Learning that the State was for a hundred and forty-three years the active and determined frustrator of public information, they will ask, Who gave this licensed foe battle? What were the vicissitudes and duration of the contest? By what arts of stratagem and valour was the victory finally won? It was not meet that he who could best answer these questions should die, and all the generous incidents of enthusiasm and resource be buried with him. The Editor of the *Weekly Times and Echo*, who published the first volume of the History in his columns, was of this opinion. This book was written by Mr. Collet between the age of 81 and 85. It was Mr. John Morris (whose name occurs as one of the legal advisers of the combatants), Sir Edward Watkin, and Mr. T. D. Galpin who

induced him to write it. Since his death help became needful to print and publish it. For this purpose Mr. John Morris contributed, others being Mr. Collet's daughters: *The Daily Telegraph*; *Harmsworth's Magazine*; Mr. Allsop: *The Daily News*; *The Illustrated London News*; *The Manchester Guardian*; *The Star*; and Spicer Brothers, paper-makers. The contributions are intended to be repaid from the sales.

Institutions, libraries, great newspapers, great publishing houses have arisen, which would not exist had the repealed Acts which clogged knowledge remained in force. Yet every newspaper proprietor was formerly treated as a blasphemer and a writer of sedition, and compelled to give substantial securities against the exercise of his infamous tendencies; every paper-maker was regarded as a thief, and the officers of the Excise dogged every step of his business with hampering, exacting, and humiliating suspicion. Every reader found with an unstamped paper in his possession was liable to a fine of £20. When the writer of this Introduction published the "War Chronicles" and "War Fly Sheets," the Inland Revenue Office bought six copies as soon as each number was out; thus he incurred fines of £120 before breakfast, and when the last warrant was issued against him by the Court of Exchequer he was indebted to the Crown £600,000. Besides, he had issued an average of 2,000 copies of the *Reasoner* for twelve years, incurring fines of £40,000 a week, which amounted to a considerable sum in twelve years. He who published a paper containing news without a stamp, was also liable to have all his presses broken up, all his stock confiscated, himself, and all persons in his house, imprisoned, as had been done again and again to others within the writer's knowledge. Neither cheap newspapers nor cheap books could exist while these perils were possible. The record of the deliverance given in this book for the first time—this history of the first charter of free literature—will be found entitled to the thanks of every writer and student of independent spirit, and every reader capable of gratitude and self-respect.

GEORGE JACOB HOLYOAKE.

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PRELIMINARY

FROM THE INTRODUCTION OF THE ART OF PRINTING INTO
ENGLAND IN 1471 TO THE ENACTMENT OF THE
NEWSPAPER STAMP IN 1712

WHEN the King of the Tonga Isles, in the Pacific Ocean, was initiated by Mr. Marriner, the missionary, into the mysteries of the art of writing, he was alarmed at the idea of his subjects learning to read: "I should," he said, "be surrounded with plots." The British Government has often shown, as regards the kindred invention of printing, an intelligence in no way superior to that of the Polynesian Sovereign. While it has been slow to make use of this art as a means of instructing and guiding the people under its care, it has been quick to imagine danger if the communication of one mind with another were not impeded by restrictions which carefully avoided any discrimination of the nature of such communication.

In Germany the invention of some mysterious process by which all the copies of a book were seen to be exactly alike, appeared so miraculous that it was attributed to the devil. It was brought into England in 1471 by Caxton, a servant of the Mercers' Company; a body still noteworthy for the support it gives to the encouragement of learning; and Caxton had the advantage of executing his work in the Almonry of Westminster Abbey. Neither the Church, however, nor the Government, could enjoy a monopoly of the new art, and when it was employed against what they considered their interests, the weapon was probably the more to be dreaded because of the superstition that whatever was printed could not be otherwise than true. Writing was always a terror to the Government if it dealt with abuses, or came from any person of importance. Printing was more so, chiefly because of the greater number of persons among whom printed matter could be distributed. It was, however, some time before printing became a terror to the Church of England or to the English Government. It very soon

became a terror to the Church of Rome, and played a great part in what was best in the Reformation.

The History of the Taxes on Knowledge begins with their imposition in the reign of Queen Anne. The battle against the Press had, indeed, begun before that date, and in the reign of Charles I. it waxed hot. Thus, in 1637 a decree of the Star Chamber limited the number of printers and master type-founders; and imposed the penalty of whipping, the pillory, and imprisonment for publishing without the consent of the licensers, at whose head were the Archbishop of Canterbury and the Bishop of London. The Decree was not likely to be carried out in its entirety unless a bigoted Ecclesiastic were in control. The desideratum, however, was not wanting. Laud was appointed to the Archbishopric of Canterbury in 1633. Under his influence the Star Chamber punished Alexander Leighton and William Prynne with mutilation for alleged libels. In his diary for 1637 Laud wrote:—

“ I have received the copy of the sentence against Paterson, and am verily of your Lordship's mind, that a little more quickness in the Government would cure this itch of libelling, and something that is amiss besides.”

But in 1640 Laud was impeached and sent to the Tower. In 1641 the Star Chamber was abolished by Act of Parliament, and the House of Commons took the regulation of the Press into its own hands.

The Order issued by the House of Commons, 29th of January, 1642, commanded the Stationers' Company neither to print nor reprint anything without the name and consent of the author. Any printer doing this should be proceeded against as both printer and author thereof. Of this Order Milton wrote:—

“ And as for regulating the Press, let no man think to have the honor of advising ye better than yourselves have done in that Order publisht next before this; that no book be printed, unlesse the Printer's and the Author's name, or at least the Printer's be registered.”

But the Parliament, though it had little skill in the persecution of the Press, was not disposed to give up its censorship previous to publication. In March, 1643, an Ordinance was issued by the Commons authorising the Committee of Examination, or any four of them, to appoint persons to search for scandalous pamphlets and to seize lying pamphlets, presses, or printers.

This Order of Parliament aroused John Milton, who, in November, 1644, addressed to the Lords and Commons his *Areopagitica*, or Appeal for the Liberty of Unlicensed Printing. It was a serious disappointment to Milton to find that, after sending the Chief Licenser to the Tower, the Parliament was so ready to continue his work. The completeness of this appeal for the right of every man to deliver his conscientious convictions to the public without *previous* censure makes it difficult to summarise his work. Everything that could at that time be said on the subject is said. Beginning with the admission that a book may be a mischievous one, Milton shows how the rulers of Greece and Rome had never found it necessary or desirable to silence any writer, but had profited by the comparison of the bad with the good, and that this toleration had continued till "the project of Licensing crept out of the Inquisition, and was caught up by our Prelates, and hath caught some of our Presbyters." He goes on to show how impossible it must be to find anyone base enough to be willing to undertake such an office, and yet good and great enough to be entrusted with it; how surely the process must stifle every new and true thought and bring literature down to the level of what has been already ascertained and admitted; and he ends by depicting the degradation of the author who, after having submitted his work to the Licenser, is inspired to improve it before publishing it, but must refrain, unless he is willing to beg the permission of a dull officer to make each new correction.

After the Restoration came the Licensing Act of 1662, in connection with which the name of Roger L'Estrange is of evil memory. It expired in 1679, but was revived on the accession of James II., and continued until 1694. When Dr. Sacheverel preached in St. Paul's in favour of passive obedience and non-resistance, the Whig administrators of Queen Anne had him impeached by the House of Commons, and he was sentenced to three years' suspension. The trial made the administrators so unpopular that a Tory Government came into power; and Queen Anne, who did not share the opinions of her Whig Ministers against passive obedience, gave to the Doctor the living of St. Andrew's, Holborn.

Though Milton had rated far too highly the statesmanship of his British *Areopagus*, his appeal was by no means without effect. The Licensing system broke

down fifty years after his appeal was made, and, in all probability, because the credit of the book was augmented when it was seen that his predictions, various as they were, all came true, and showed that no satisfaction could be obtained from a law which, while it oppressed those who conformed to it, could not silence those who defied it. Milton himself suffered a laceration of a passage in his "History of Britain," and even "Paradise Lost" was in danger of mutilation.

Was there no way by which, without the necessity of constant contention, private men might be prevented from using the Press to make their opinions public? The pamphleteers were not rich, but they were often persons of education, and not penniless. When only a few copies of their writings were wanted they could pay for them, but now that reading was become more common, and that great numbers of copies were printed, the cost had, to a great extent, to be paid by the readers. If these sheets could be taxed their distribution might become difficult, and when any one attempted to evade the tax he could be punished, not as a libeller, but as a smuggler, and the character of what was printed would not come under discussion, as it would in a trial for libel.

CHAPTER I

THE NEWSPAPER STAMP—FROM THE 10TH OF ANNE TO THE 60TH OF GEORGE III

THE 10 Anne, cap. 19, besides putting duties on imported linen and soap, taxed several kinds of agreements; and above all, it taxed printed papers, pamphlets, and advertisements, and required a stamp to be placed on every paper that it chose to call a newspaper. These were to be imposts for thirty-two years, in order to pay £1,800,000 levied by means of a lottery.

The Parliament which passed this Act showed that it understood the consequences of these taxes. For it gave a drawback of one-third on soap used in making cloths and serges; the woollen trade having long been a subject of Government encouragement. A drawback was also given for all paper used by the Universities of Oxford and Cambridge and by those in Scotland, for any books printed in Latin, Greek, Oriental, or Northern languages. This was for the "encouragement of learning." Many years afterwards this privilege was extended to paper used either by the Universities of the United Kingdom, or by the King's Printer in England or Ireland for Bibles and Prayer-books, or by the authorities in Scotland for the religious works authorised by the Church of Scotland. For the encouragement of the native languages of the country, English, Welsh, Gaelic, and Irish, it was thought enough that no tax was imposed on works in those languages unless they were of small size.

For the well-to-do persons who could afford to lend ten pounds, or one or more multiples of ten pounds, to the Government, Parliament showed in this Act the highest consideration. They invested their money at good interest, were sure of one day getting back the principal, and had a chance of one to five of getting a prize of £18—a chance for which more than half a million

of public money was sacrificed. All this was to be extracted from the "unfortunate" manufacturers of soap and paper, linens, silks, and calicoes, and from the printers and publishers of advertisements, newspapers, and pamphlets. The details of the measures deemed necessary to obtain this annual sum of £168,003, the oaths to prevent fraud on the Revenue, the restrictions on the processes of industry, the penalties for the neglect of artificial regulations, all show what a loss must have been incurred by a number of most useful persons, and through them by the community in whose service they were hindered, in order to reward the 180,000 ticket purchasers who were not sufficiently patriotic to lend their spare cash to their country at 6 per cent., unless tempted by half a million of money in prizes to be scrambled for.

What was the opinion of enlightened men of the time on the financial method of restricting the Press may be gathered from the following passage written by Dean Swift¹ :—

"Among the matters of importance during this Session, we may justly number the proceedings of the House of Commons with relation to the Press; since her Majesty's message to the House, of January 17th, concludes with a paragraph representing the great licenses taken in publishing false and scandalous libels, such as are a reproach to any Government, and recommending them to find a remedy equal to the mischief. The meaning of these words in the Message seems to be confined to those weekly and daily papers and pamphlets reflecting upon the persons and the management of the Ministry. But the House of Commons in their Address, which answers this Message, makes an addition of the blasphemies against God and Religion; and it is certain that nothing would be more for the honour of the Legislature than some effectual law for putting a stop to this universal mischief; but as the person who advised the Queen on that part of her Message, had only those in his thoughts—the redressing of the political and factious libels, I think he ought to have taken care by his great credit in the House to have proposed some way by which that evil might be removed; the law for taxing single papers having produced a quite contrary effect, as was then foreseen by many persons, and has since been found true by experience. Those who would draw their pens by the side of their princes and country are discouraged by this tax, which exceeds the intrinsic value both of the materials and the work; and this, if I am not mistaken, without example."

Sir Richard Steele, the Editor of the *Spectator*, which was near being a victim of the Newspaper Stamp, has

¹ Dean Swift's "Last Four Years," quoted by William Cobbett in his "Parliamentary History."

left us some memoranda of its introduction on the 1st of August, 1712. On the previous day the *Spectator* commenced :—

“ This is the day on which many eminent authors will publish their last words.”

He went on to say that he had considered whether he would be one of these, and had decided in the negative, although his bookseller had told him that he must charge twopence for the half-sheet, which was all he published each day, or he should be unable to pay the stamp duty. He did not wish his enemies to accuse him of being disaffected to the Government, and if his country gained five or six pounds a day by his labour he would be pleased to find himself so useful. It has been thought that the Stamp killed the *Spectator*, but this does not seem to be exactly the truth.

After this brave departure Parliament proceeded to pile Act upon Act. Thus the 11 George I. cap. 8 stopped the practice of printing newspapers on a sheet and a half, entering them as pamphlets and paying only the pamphlet duty of three shillings on the whole edition. It placed “ upon every journal, mercury, or public newspaper ” a duty of one penny for every sheet upon which it was printed, and of one halfpenny for every half sheet thereof. Then the hand of the law descended on the unfortunate street-sellers. By the 16 George II. it was enacted that anybody might take into custody a hawker of unstamped newspapers; that any Justice of the Peace might commit him to the House of Correction for three months; and that any one seizing or apprehending such an offender might claim a reward of twenty shillings, to be paid by the Receiver General of his Majesty's Stamp Duties.

From the vicious enmity shown here to the hawkers it seems likely that the steady-going publishers, who paid their duties, had to compete with men who did not keep a publishing office, but sent out their papers by unknown persons and kept themselves out of harm's way. This, of course, must have excited the indignation of all “ respectable ” publishers, and these doubtless made vigorous complaints to the Stamp Office Commissioners, who did their best to make things troublesome for the wandering hawkers.

The French Revolution naturally roused the Parliament of the day to place fresh fetters on the Press. The

38 George III. cap. 78 imposed a penalty of £100 on any one publishing a newspaper before an affidavit had been delivered at the Stamp Office, specifying the name and abode of the printer, publisher, and two of the proprietors. The same penalties were incurred by neglect to print the name and abode of the printer and publisher on the newspaper, and by failing to deliver a copy of every newspaper at the Stamp Office within six days of its publication. Other penalties were—for printing or publishing any newspaper not duly stamped, £20; for having any newspaper not duly stamped, £20; for sending out of Great Britain any newspaper not duly stamped, £100; for sending during the war to any country not in amity with his Majesty any newspaper or other paper stamped or unstamped, £500; for printing or publishing in that part of Great Britain called England as copied from a foreign paper any seditious matter that had not been so printed, imprisonment for not more than twelve or less than six months. The proof that it had been so printed was to lie with the defendant. The object of these securities was not to bring a number of the opponents of the Government to utter grief, but to suppress all expression of discontent. Any man who carried on printing or publishing for a livelihood was actually at the mercy of the Commissioners of Stamps, when they chose to exert their powers.

Further, the Ministry attempted to check the intercourse between the revolutionists of France and the reformers of Great Britain by 39 George III. cap. 79.

Already they had made some attempts to prosecute in a manner which brought into consideration the character of the proceedings to which they objected. In 1794 they had obtained at Edinburgh the conviction of two advocates of Parliamentary Reform. They had even obtained from Parliament a suspension of the Habeas Corpus Act. But in December of the same year they had failed to obtain the conviction of Hardy, Horne Tooke, and Thelwall on a charge of high treason founded on their advocacy of Parliamentary Reform. Thelwall and Hardy survived to see the Reform Bill of 1832 receive the Royal Assent. Thelwall died in 1834, having pronounced the funeral oration of Thomas Hardy, at which the writer of this narrative was present, in Bunhill Fields, where, on Hardy's tombstone was placed, in November, 1836, a suitable inscription to the grand old

shoemaker, who never would illuminate for a victory over the French, but summoned Francis Place and their friends to defend his windows against a too "patriotic" mob.

A jury had decided that to belong to a Society for Reform was not to be guilty of high treason. The 39 George III. cap. 79 was passed to make illegal in themselves the actions which had not been considered to bear this criminal inference. It prohibited several societies by name, and, in particular, the London Corresponding Society, to which the acquitted Reformers had belonged. But we have space only for what concerned printers and publishers. The following were among its provisions :—

Persons keeping presses or types to give notice to the Clerk of the Peace—under a penalty of £20. The same for letter founders and printing-press makers, who were also to keep an account of type and printing presses sold, and to produce it when required—under a penalty of £20. Name and abode of printer to be printed on every paper or book—penalty £20. Persons selling papers without the printer's name might be taken before a Justice of the Peace. A Justice of the Peace might empower a Peace Officer to search for presses and types he suspected to be illegally used, and to seize them and the papers found.

Peace came in 1815, but without prosperity. The stamps of all sorts had had to be revised, and among the rest those on newspapers, pamphlets, and advertisements. This was done for Great Britain by 55 George III. cap. 185, and by 56 George III. cap. 56 for Ireland, with the following result :—

	Gt. Britain		Ireland	
	s.	d.	s.	d.
Advertisements—each	3	6	2	6
Almanacks for one year—each ...	1	3	0	9
Almanacks for several years (each year)	1	3	0	9
Perpetual Almanacks—each	10	0	7	6
Pamphlets—per sheet of 1 copy ...	3	0	2	0
Newspapers	0	4	0	2

On most newspapers some discount was allowed.

As a climax to the restrictions on the Press came the 60 George III. cap. 9, the one of the six Acts which in its practical operation survived the other five. The preamble established for the first time a distinction between public news and remarks on news. The latter, as they

were published at frequent intervals and at low prices, had come to be more dreaded than the intelligence itself. The Act was accordingly directed against "pamphlets and printed papers containing observations on public events and occurrences tending to excite hatred and contempt of the Government and Constitution of these realms as by law established, and also vilifying our holy religion." By Section 1 "any pamphlets or papers printed periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such pamphlets or papers, parts or numbers, where any of the said pamphlets or papers, parts or numbers respectively, shall not exceed two sheets, or shall be published for sale at a less sum than sixpence, exclusive of the duty by this Act imposed thereon, shall be deemed and taken to be newspapers."

A careful inspection of this section shows, we think, that under this Act no paper would be a newspaper if it exceeded two sheets in size, and if, though unstamped, it was sold for sixpence or a higher price.

By Section 2 a sheet must not be less than 21 inches by 17.

The Times at this date consisted of four pages, each 15½ inches by 22, a superficies of 682 square inches. The price of the *Morning Advertiser* and of the *Public Ledger* was sixpence-halfpenny; that of the *Morning Chronicle*, *Globe*, and *The Times* was sevenpence. The stamp was fourpence with some discount. All these papers were therefore triply liable to the stamp and doubly liable to the Security System. They contained public news and comments on news; were published at intervals of less than twenty-six days; they did not exceed two sheets, and their price without the stamp would have been under sixpence. As regards the Security (to be afterwards described) no mention was made of the price being exclusive of the price of the stamp. It appears, therefore, that a newspaper which exceeded two sheets and was price ninepence would have been liable to the stamp, but not to the Security System.

Another exception, though only inferential, was clearly established under this Act, till it was interfered with by 6 & 7 William IV. cap. 76. Papers, though sold at "very small prices," were not newspapers if they were not periodical. Periodicals published at intervals of more than twenty-six days were required by Section 4,

under a penalty of £20, to be published on the first day of every calendar month, or within two days before or after. This was to prevent what was really a weekly periodical passing as a monthly. But, as will afterwards appear, the Stamp Office did not always apply this section.

Finally, what became known as the Security System was established. Section 8, under a penalty of £20, forbade any one to print or publish a newspaper, or a pamphlet, or a paper containing, &c., "which shall not exceed two sheets, or which shall be published for sale at a less price than sixpence, without first executing a bond to his Majesty, together with two or three sufficient sureties conditional that such printer or publisher shall pay any fine which may at any time be imposed on him for any blasphemous or seditious libel."

The Bill, which was altered so as to exempt all but political periodicals, became law, despite the grave protest of Mr. Brougham in the Commons, and of Lord Erskine in the House of Lords.

It seems to have been already suspected that this extension of the censorship might be troublesome to the censors. However, with a moderation that did credit to their good sense, the Commissioners of Stamps resolved that the only morality of which they could judge was that of paying the duties enacted by Parliament. Besides, they observed a judicious silence, and, if we want to know what they thought of the task assigned to them, our chance is to be found not in listening to the very little that they said, but in carefully noting what they did *not* do. They never required, for one thing, a security to be given by any paper which they did not treat as a newspaper; but for seventeen years the sevenpenny newspapers were all made to give securities. The only explanation of this universal law is that when the Bill passed no newspaper was large enough to be exempt. Later on, a few became entitled to exemption, and as those free from security were not thereby exempt from Stamp Duty, the Commissioners felt that they were still in their province. As to the exemption of pamphlets from the Security System, they declined, except under compulsion, to annoy the public for anything except frauds on the revenue. They would not act as common informers under pretence of being champions of "the Constitution of these realms" or of "our holy religion."

Under the 10 Anne a solitary pamphlet of only one sheet was a newspaper liable to stamp, but such a pamphlet was not considered a newspaper under 55 George III. Under 60 George III. it was protected under Section 1, which limited the term newspaper to papers published oftener than once in twenty-six days. A solitary pamphlet of two sheets, though liable to give security, was liable to only one tax of six shillings. The Commissioners of Stamps were not going to search all the booksellers' shops in London for such small fry as that. As we have already said, it is only by accident that we are able to pick up an occasional incident to guide us to the motives of the tax gatherers in their office of guardians of the British Constitution and of "our holy religion." They have been much purer than their victims have supposed them to be.

The laws for taxing pamphlets constituted every pamphleteer a smuggler if he shirked the tax for which he was liable. A smuggler is a low fellow. When a pamphleteer was a gentleman, and employed a "respectable" publisher, he did not wish to rank as a smuggler, and though ordinary gentlemen and ordinary publishers might be ignorant that there was a tax on pamphlets, those who were engaged in literary attempts to increase the liberty, the knowledge, and the well-being of their countrymen, and who detested as iniquitous any attempt to impede communication between minds, were of necessity aware of the laws on this subject, and of the importance to the cause and to themselves that, in advocating the liberty of the Press, they should not lie under the imputation of being violators of the statutes which pass under the name of law.

One of the methods of public instruction adopted by these gentlemen was the reprinting, from monthly magazines or quarterly reviews, special articles in great numbers and at very small prices.

From 1819 to 1836 the 60 George III. cap. 9 was the principal Act under which the Press was regulated. Every attempt for the liberty of the Press was, more or less, an attempt for the repeal of the 60 George III. cap. 9.

Another leniency was explained by Colonel Thompson in an article entitled "Taxes on Literature," which appeared in the *Westminster Review* of August 1, 1830. He declared that the Stamp Office applied, in favour of publishers, provisions of the Act (in respect of blank

pages, &c.) which there could be no doubt were intended to operate against them. "It was quite clear that the existing Government is very much ashamed of the Acts; the more's the pity that honest gentlemen should be set to execute them in any part." The provision about blank pages was that no blank leaf, or leaf containing any notice or advertisement, should be deemed part of a pamphlet. Hence it would appear that in charging a pamphlet three shillings per sheet (for one copy) they did not charge a blank, or an advertisement leaf, as an additional sheet. This, however, shows that they did accept payment for pamphlets when it was offered them. How long the Stamp Office continued to accept the Pamphlet Duty it might be difficult to ascertain. The 3 & 4 William IV. cap. 23 repealed the duty on pamphlets.

CHAPTER II

WILLIAM CARPENTER'S " POLITICAL LETTERS " AND
HENRY HETHERINGTON'S " POOR MAN'S GUARDIAN "

FEW Governments are willing to resign an authority which has once been conferred upon them, even when it is an authority for which they would not have asked, and hence the repeal of 60 George III. cap. 9 was not easily obtained. Another reason, however, why the Act was not repealed was because its full rigour was kept in abeyance. The exemption from stamp, by law, of all monthly periodicals, and the exemption from security, in fact, of all papers not liable to Stamp Duty, left gentlemen pamphleteers at liberty to free their souls, though not to reach the masses of the people. The imposition of the Security System on all newspapers that did pay the Stamp Duty brought the professional critics of the Government into a sort of corporation, enjoying free postage for their taxed newspapers, but having a prospective rod held over them calculated to moderate any excessive zeal against the Government of the day. Those public-minded private men who were anxious to educate the people and to permit them to educate themselves were forbidden the only process by which their views could be carried out, the publication of cheap newspapers weekly. This was rendered impossible by the Stamp Duty. A penny paper could not pay for a fourpenny stamp. The field of public instruction was therefore left open only to those who were poor enough to have little to lose by breaking the law. For many years, while the number of stamped newspapers increased a vast number was published of papers unstamped. The following table shows the increase of revenue from newspaper stamps from 1815 (the year when, at the Peace, was passed the Newspaper Regulation Act, 55 George III. cap. 185) to 1835, the year before the Stamp Duty was lowered to a penny. It will be seen that as

HETHERINGTON'S "POOR MAN'S GUARDIAN" 15

the contentional interest taken in politics by the people increased, the interest taken in newspapers increased :—

Revenue from News- paper Stamps.	Contemporaneous Events.
1815.—£383,695.—	Treaty (Act of Congress) of Vienna— Battle of Waterloo.
1816.—£367,505.	
1817.—£382,366 (Including Ireland).	
1818.—£388,155.	
1819.—£405,547.—	Manchester Massacre.
1820.—£463,106.—	Trial of Queen Caroline.
1821.—£436,916.—	Death of Queen Caroline.
1822.—£422,630.	
1823.—£436,859.	
1824.—£457,553.	
1825.—£476,501.—	Catholic Emancipation carried in the House of Commons.
1826.—£477,128.	
1827.—£484,398.—	Mr. Canning Prime Minister.
1828.—£501,019.—	O'Connell elected for County Clare.
1829.—£509,551.—	Catholic Emancipation enacted.
1830.—£534,799.—	Charles X. dethroned at Paris, July 27, 28, 29.
1831.—£586,635.—	Reform Bill Agitation.
1832.—£574,430.—	Reform Bill passed.
1833.—£541,149.—	Unstamped Newspapers abundant.
1834.—£537,156.—	Hetherington's <i>Poor Man's Guardian</i> : acquitted—Sir Robert Peel Prime- Minister.
1835.—£553,197.—	Return of the Melbourne Ministry.

It will be seen from this table that the number of newspapers sold diminished whenever the contest of political parties subsided. It fell at the Peace, it fell at the death of Queen Caroline. From 1824 to 1831 it continued to rise. It fell for nearly three years after the passing of the Reform Bill, but how far this was owing to the cessation of the Reform contest, and how far to the place of the stamped newspapers being supplied by those which were unstamped, it is not easy to determine.

Earl Grey's Ministry, however, brought in no measure for educating the people or for permitting them to educate themselves. But the Liberal school (it had not yet been amalgamated into the Liberal party) founded the Society for the Diffusion of Useful Knowledge, which,

with no view of pecuniary profit, published a great number of works, both historical and scientific, to promote this object. Many of Lord Grey's Ministry were members, one especially, Henry Brougham, now become Lord Chancellor. Among its publications was the *Penny Magazine*, and the *Saturday Magazine* was started soon afterwards by the Society for Promoting Christian Knowledge.

The *Penny Magazine* was published once a week. A week consists of seven days, a number which does not exceed twenty-six days, and therefore the *Penny Magazine* ought to have been stamped. Being the penny magazine its price was only a sixth part of the orthodox price—sixpence. The superficies of the *Penny Magazine* instead of being 714 square inches (the smallest superficies reckoned as two sheets) was only 308 inches. It is true that the news contained in the *Penny Magazine* was not the news of the day, but it was fresher than that of the *Spectator*, which was indebted for a good deal of its news to Socrates, Plato, Cicero, and Marcus Aurelius. There were not many remarks about matters in Church or State in the *Penny Magazine*, and the few such remarks it did contain were not contentious, except when they were about political economy. But the 60 George III. cap. 9, sections 1, 4, 5, 8, prohibits any such remarks at intervals of less than twenty-six days. The *Penny Magazine* was not one of the papers which Lord Sidmouth or Lord Castlereagh would have wished to prohibit, but it was one which came under the best description they were clever enough to give of the papers to be prohibited; for, in spite of Mr. Canning's assertion, the publication of blasphemy was *not* one of the necessary ingredients of an illegal paper.

The *Penny Magazine* commenced on March 31, 1832, and was published every Saturday. On the following 7th of July the *Saturday Magazine* was started, "under the direction of the Committee of General Literature and Education appointed by the Society for Promoting Christian Knowledge." The *Penny Magazine* was the model on which the new paper was founded, but there were differences. The *Penny Magazine* went in for being useful; the *Saturday Magazine* was pious. Its motto, if it had taken one, would have been "*Sancte et Sapienter*," the motto of King's College (London) when it was founded to avert the dangers to "our holy religion"

to be expected from the establishment of the London University. Its news was not fresher than that of its rival, but it more frequently contained remarks on matters in Church and State. Being orthodox, it had nothing to fear on the special ground of any offence likely to be taken on account of such remarks.

Both publications escaped the ban of the 60 George III. cap. 9; presumably because the Chancellor of the Exchequer administered a judicious hint to the Commissioners. Section 14 of the Act required any officer of stamps who refused to receive or pay for any copy of a pamphlet or paper as not coming under the true intent and meaning of the Act to give, if demanded, a certificate that the offer had been made, which certificate would discharge the recipient from any penalty. The Commissioners of Stamps could therefore make it safe for any paper to come into existence, if they thought it did not come under the true intent and meaning of the Act. But we have Lord Brougham's own testimony, in a letter which Mr. Cobden read to the meeting at Exeter Hall of the Association for the Repeal of the Taxes on Knowledge on December 1, 1852, that his Society was terribly crippled by the newspaper stamp.

"The instruction of the working classes in the country districts, where it is most wanted, has been almost entirely prevented by it. When the Useful Knowledge Society made, for years, efforts of every kind to diffuse sound information among the peasantry in the villages, cottages, and farmhouses, we were always met and defeated by this stamp. Our only chance of making those poor people read was by wrapping up good information of a lasting value in news, especially news respecting farming matters and things in their own neighbourhood. But the penny stamp made this impossible."

Mr. Brougham had opposed the enactment of the Statute when he was in Opposition, but, as Lord Chancellor, he was not strong enough to repeal it.

Meanwhile the hand of the law descended heavily, though capriciously, on the many unstamped newspapers that abounded at this time. The most creditably edited of them was William Carpenter's *Political Letters*. The first of these, addressed to the Duke of Wellington, was dated October 9, 1830. It consisted of eight pages, 8 by 11 inches = 352 square inches. The last was published May 14, 1831. It consisted of sixteen pages = 704 square inches. Mr. Carpenter hoped by ingenuity to avoid the infliction of the stamp. Each of his letters had a different title, and he contended that, according

to the statutes, and especially to the 60 George III. cap. 9, each was a separate paper, and liable only to the pamphlet duty. The Stamp Office proceeded against him before the Court of Exchequer. His unnecessarily and injuriously long defence consisted substantially of two points: 1. That each of these papers was a separate paper, and that, therefore, they could not be considered as one brought out in parts or numbers. Consequently that they were not a newspaper. 2. That not one of these papers was a newspaper. He spent a great deal of time in arguing that, though each of these papers contained news, not one of them contained that variety of articles which was required in a newspaper. Mr. Carpenter's description of a newspaper took no account of the definition in the statute and it weakened his other argument that his many letters were separate papers. Lord Lyndhurst, in summing up the case, ignored the defendant's plea that news, intelligence, and occurrences were not enough to constitute a newspaper and absolutely declined to admit that the term newspaper necessarily implies periodical publication.

The trial of Carpenter took place on May 14, 1831. He was fined £120 and had to go to prison, where, for some time, he continued his work. His *Monthly Political Magazine* followed, commencing with September, 1831. Each number consisted of 40 pages of 5 by 9 inches. It ended abruptly with the number for July, 1832. Its political economy was not scientific, but in every other respect the *Political Magazine* is a model of an excellent newspaper from which educated persons might have learnt weekly the contemporary history of their country, had not its collective wisdom treated such an attempt as criminal, unless restricted to a monthly publication or overweighted by a fourpenny stamp.

The extinction of Carpenter made room for Henry Hetherington. He, too, had been attempting to evade the stamp by publishing, at irregular but not very frequent intervals, a letter, always with a separate title, signed "The Poor Man's Guardian." When he was brought before the magistrates a number called the *Republican* was brought in evidence against him. They held it to be a periodical for three reasons: First, at the foot of it was "Printed and published every Saturday by H. Hetherington." Secondly, it contained notices to correspondents such as: "We shall be glad to hear

again from G. P." Thirdly, the critic in the *Republican* had adopted the editorial "we." The defendant's counsel, Mr. Arnold, said, when prosecuting an appeal to Quarter Sessions, that he did not think the Court would rely much upon the third argument. Possibly not, but the other two were curiously cogent.

Henry Hetherington at once accepted, not the prohibition to publish, but the decision that his evasion would be futile. On July 9, 1831, eight weeks after the conviction of William Carpenter, he brought out "the *Poor Man's Guardian* : a weekly newspaper for the people. Established contrary to Law, to try the power of ' Might ' against ' Right.' Price 1d." In the place of the Government red stamp was a black one inscribed " Knowledge is Power," with a printing press on which were the words, " Liberty of the Press." His opening address began :—

" No more evasion : we will not trespass, but deny the authority of our ' lords ' to enclose the common against us ; we will demand our right, nor treat but with contempt the despotic ' law ' which would deprive us of it."

Quoting the preamble of 60 George III. cap. 9, he declared his deliberate intention of setting it at defiance.

Henry Hetherington was inferior in education and in good taste to William Carpenter, and much less qualified than he to edit a newspaper that would be allowed to be a good record of current events. He was one of those men who, while attempting to educate others and to reform the State, have the good fortune at least to educate themselves, and to reform their own methods of procedure. Such men, when they commence their work, display all their faults and all their incapacity to the public, and are debited with them long after they have revised their methods. But Henry Hetherington was well educated for the work he had undertaken. Of almost imperturbable temper, of unbounded energy, filled with indignation against every abuse, he conducted his newspaper with a constant regard to the rights of others ; he never degraded it for the sake of profit. He was always ready to admit the reply of any one who thought himself misrepresented by him, and he accepted and inserted without retort the censure of those who, like Mr. W. H. Ashurst under the *nom de plume* of Edward Search, censured him for violence—violence of language, that is ; he always opposed violence of action, not only as criminal, but as foolish. But he would not give way to the officers

of the law. He had twice to suffer six months' imprisonment. His presses were more than once seized and confiscated, the parcels of his *Poor Man's Guardian* were taken by the police, who were sometimes entrapped into seizing bogus parcels instead of the real ones. Hundreds of hawkers were imprisoned for obstructing the thoroughfares by selling it, while it appears that the thoroughfares would not have been obstructed had anybody exposed in them for sale the *Penny Magazine*, which caricaturists sometimes represented Lord Brougham as thrusting down a reader's throat with a broomstick.

After publishing the *Poor Man's Guardian* for more than three years, Mr. Hetherington bethought himself of publishing a paper which should answer the purposes of a newspaper for ordinary readers. He brought out the *People's Conservative*. The Commissioners of Stamps now honoured him with an *Ex-officio Information* in the Court of Exchequer. They prosecuted Mr. Hetherington at one and the same time for publishing the *People's Conservative*, a twopenny paper which was likely to interfere with the sale of the stamped newspapers, and the *Poor Man's Guardian*, whose sale would be almost entirely among persons who could not afford to buy a stamped paper published at sevenpence. Chief Baron Lyndhurst laid down the law in the case of the first paper, and the jury convicted. Then, as to the *Poor Man's Guardian*, he told the jury that they knew as well as he what a newspaper was: "It seems to be a meagre affair." Incited by Lord Lyndhurst, the jury acquitted the *Poor Man's Guardian*, which was exactly the sort of paper on which the stamp duty was imposed in order to kill it. It was thus "exonerated" on June 17, 1834.

When Mr. Carpenter argued that his *Political Letter* was a meagre affair and therefore was not a newspaper, Lord Lyndhurst told him that it was a newspaper if it contained *any* news, and even though it were not a periodical. This was unnecessary, because he was ready to rule that this paper *was* a periodical, and it set aside the intention of the 60 George III., which, as Lord Castlereagh said in the House, meant to impose the stamp only on periodicals brought out at intervals of less than twenty-six days. Now he sets aside the law which imposes the stamp on periodicals that contain *any* news, and directs the jury to accept for Mr. Hetherington,

Mr. Carpenter's theory that a newspaper must be a paper like the sevenpenny newspaper, known by that name. How he could reconcile his legal conscience to all this it is difficult to say, unless it was to spite the Whigs.

Mr. Hetherington was subjected to two penalties in connection with the *Conservative*: £100 for not delivering the affidavit, and £20 for selling it unstamped. The Commissioners of Stamps, however, left the *Poor Man's Guardian* severely alone. On June 21, 1834, No. 159 appeared with the following under the title:—

"This paper (after sustaining a Government persecution of three years and a half duration, in which upwards of 500 persons were unjustly imprisoned and cruelly treated for vending it) was on the trial of an *ex-officio* information filed by his Majesty's Attorney-General against Henry Hetherington in the Court of Exchequer, before Lord Lyndhurst and a special jury, declared to be a strictly legal publication."

The *Poor Man's Guardian* closed its perturbed but triumphant career with its 238th number on Saturday, December 26, 1835. The Chief Baron, like the Editor, "established" it "contrary to law."

It has more than once been said that on this occasion the *Poor Man's Guardian* was proved to have been a legal paper, and that the 500 vendors had been prosecuted and imprisoned contrary to the law. But this is an error. Lord Lyndhurst knew very well that the *Poor Man's Guardian* was the very sort of paper that the statutes were meant to suppress, and he did not say that it was not so. He left the jury to themselves, with the intention that they should arrogate to themselves the functions of Parliament, and repeal the very Act which, by their verdict a few minutes previously, they had enforced.

It is not difficult to imagine the indignation which the Commissioners of Stamps must have felt against Lord Lyndhurst. Why should they have been driven to persecute a number of poor people who had not really been injuring the revenue, but had been supplying a want to persons who were not in the habit of purchasing, and, indeed, could not afford to purchase, the taxed article? The Commissioners could have no doubt why Lord Lyndhurst ruled against one paper, while they must have been astonished to see him permit the acquittal of the other. The Commissioners kept their indignation to themselves, but out of that indignation they gradually

evolved a system. They made a distinction between those who injured the revenue and those who did not; though both violated the law. In 1836 the newspaper stamp was reduced to a penny, the agitation against the stamp subsided, and when in 1849 it was renewed, the number of newspapers which violated the law without injuring the revenue was already so great that it was found impossible to retain the compulsory stamp. It cannot be said that the Commissioners of Stamps now—since February, 1849—consolidated with others into the Board of Inland Revenue, deserve disapprobation for this course of proceeding. They applied themselves, so far as it was possible, to their proper business, the collection of revenue, and they avoided, so far as they could contrive it, meddling with anything else. They collected a considerable amount of advertisement duty and paper duty from papers which they exempted from a stamp duty which these papers never could have paid; and they probably prolonged the existence of that duty for some time after it might, if enforced according to law, have broken down altogether.

In 1851 the Commissioners of Inland Revenue issued a Return of Prosecutions in respect of Violations of the Newspaper Stamp Acts for three years ending September 1836. In this return Henry Hetherington's conviction for £120 and costs is given. Nothing is said about his acquittal on the same day as regards the *Poor Man's Guardian*.

In this return John Cleave's name is down as convicted by the Court of Exchequer for £100 and costs in 1834, and for £620 and costs in 1836.

Before the Magistrates we have:—

John Cleave, twice, for £5 each time.

Henry Hetherington, once, for £40.

Joshua Hobson, in 1835, once, for £20; in 1836, once, for £80. In both cases he was committed to prison.

James Watson, once, in 1834, for £20. Committed to prison for non-payment.

Abel Heywood, in 1836, once, for £15. Committed to prison for non-payment. He had been previously fined and committed to prison for selling the *Poor Man's Guardian*. Alderman Abel Heywood afterwards showed a constructive capacity in his politics. He was a valued member of the Manchester Corporation, twice filled the office of Mayor, and died in 1893 at the age of eighty-four highly respected.

CHAPTER III

THE ROEBUCK PAMPHLETS, 1835-6

THE inscrutable escapade of Lord Lyndhurst changed the situation much more than has been generally appreciated. If a public-spirited Justice of the Peace had refused to recognise the intricate absurdities of the Stamp Acts, and to punish Henry Hetherington for merely speaking his mind, his honest indignation would have done nothing but good, to however little that good might have amounted. But Lord Lyndhurst had been Lord Chancellor from 1827 to 1830, was again Lord Chancellor in 1834-35, and again from 1841 to 1846. As a leader of the party that had passed the Stamp Acts, it was in his power to have compelled the Whig administration to repeal them and to make the *Poor Man's Guardian* strictly legal, and at the same time to expose it to competition from some newspaper that was not "a meagre affair." But the line Lord Lyndhurst took was to punish only those who gave the people the good newspaper which they could not afford to buy unless it were unstamped. The people were to have nothing that was not "a meagre affair." This sort of thing suited exactly the ideas of Mr. Thomas Spring Rice, who became Chancellor of the Exchequer in April, 1835, on the resignation of Sir Robert Peel, who had undertaken the office of Prime Minister in December, 1834.

Lord Lyndhurst's performance did not establish any rule for exemption from the burden of the stamp; but this absence of any rule was much more discouraging to the defenders of the "hallowed work" which had gilded the last days of George the Third's life and reign, than to those who thought Canning's "hallowed work" a hollow mockery. To be defeated in a court of law is always a disgrace to a Government department, it might give a laurel crown to a Radical, who, when he came out of prison to a banquet, would propose the health of "Our best friend, his Majesty's Attorney-General."

The *Poor Man's Guardian*, established against the law by Henry Hetherington and Lord Lyndhurst, was still flourishing when a new attempt was made to evade the "hallowed work" of 1820. The Commissioners of Stamps had definitively abandoned the demanding of securities from any paper which they did not require to pay stamp duty; the pamphlet duty was, as it always had been, a trifle. Was not the time come when a pamphlet might be published every week with a separate title, but with some method which should make clear the continuity between these separate pamphlets? Lord Lyndhurst was no longer Chief Baron. He had been succeeded by Lord Abinger. But the scalded dog fears cold water. The Commissioners of Stamps did not want to get into a court again in a hurry, and the new Radical experiment being under the direction of a member of Parliament, who was also a lawyer, no counter experiment was directed from Somerset House, paralysed as it was by the eccentricity of ex-Chief Baron Lyndhurst.

So, on June 11, 1835, the first of Mr. J. A. Roebuck's pamphlets was brought out. These continued to appear every week until February 11, 1836, when they ceased, only because it was inconvenient to Mr. Roebuck to continue the publication. Their legality was practically recognised by the Stamp Office. Entry was made of every pamphlet, the advertisement duty was accepted, and the British Museum demanded and received its copies.

The first number, "On the Means of Conveying Information to the People," explained the plan. The work was to be promoted by a "Society for the Diffusion of Moral and Political Knowledge," similar to, and almost identical with one formed in 1833, of which Mr. Hume, Mr. Warburton, Mr. Francis Place, and Mr. Roebuck were members. In this first pamphlet (we must not say number, for the pamphlets were neither numbered nor dated) Mr. Roebuck said:—

"Each pamphlet will form a separate work; but, by whomsoever written, my name will appear on the title page as editor, and by this mode they will be known to emanate from the Society. One of them at least will be published every week, though, if I see reason, they will be issued yet more frequently."

Mr. Roebuck thus gave more evidence of the unity of his pamphlets than did either Mr. Carpenter or Mr. Hetherington. He, too, received letters from corre-

spondents and inserted and answered them. The unity of the pamphlets was still more displayed in some of the advertisements inserted after the pamphlets had become popular. Thus in the twenty-third pamphlet, published on November 11, 1835, there appeared an advertisement setting forth the titles of a number of pamphlets edited or written by J. A. Roebuck that were on sale at the office 14, Tavistock Street, together with the "New Black Book," by William Carpenter.

The price of the Roebuck pamphlets was at first three-halfpence. On November 12, 1835, it was raised to twopence, the former sum being found insufficient. They combined most admirably the persistent advocacy of the repeal of the Newspaper Stamp, with an attempt to give systematic political instruction to the people. The line taken was not academic, but practical, in accordance with the Radical idea, now commencing to be submitted to experiment, that as the nation had differed from a Parliament appointed by the few, redress was obtainable from a Parliament appointed by the many. There was no attempt in these pamphlets to put down any domestic abuse by any but Parliamentary means. In the midst of this discussion of everything in domestic politics, the repeal of the Newspaper Stamp was their *Delenda est Carthago*. The writers not only fully appreciated its iniquitous purpose; they saw already that it was the first halfpenny of the tax that kept from the working man the cheap newspaper which would enable him to learn what were the laws to which he was subjected, and how those laws were enforced, and that the remaining 2½ pence of the duty was only a tax on the well-to-do classes. To a total repeal they directed their efforts, and they fully hoped for a speedy success.

In connection with the Roebuck pamphlets, a society was formed in April, 1835, which promoted 300 petitions to Parliament for the repeal of the Newspaper Stamp, and issued an address to the people praying them to continue their exertions. The business was to be conducted by :—

George Birkbeck, M.D., Finsbury Square.
J. Roberts Black, M.D., Chelsea.
H. S. Chapman, Gray's Inn.
John Crawford, Wilton Crescent.
Thomas Falconer, Gray's Inn.
Thomas Gibson, Stamford Hill.
Samuel Harrison, Great Ormond Street.

William Hickson, junr.

Archibald Michie, junr., Millbank Street.

Francis Place, Brompton.

John Travers, St. Swithin's Lane.

Thomas Prout, Strand.

The gentlemen whose names are in italics were afterwards members of the society which, in 1855, carried the final repeal of the Newspaper Stamp.

Unfortunately, though there was much enthusiasm out of doors for repeal, in Parliament everything was preparing for a compromise. The House of Commons caught at the principle that nothing in the way of news or comment should be published without a stamp, that the free postage for the newspaper should be considered as the compensation for the penny charged, and that a penny newspaper postage should be scouted as impossible unless it was charged on all who bought newspapers, whether they required any postage or not. Mr. Spring Rice, the Chancellor of the Exchequer from April, 1835, to September, 1839, was the very man to manage the compromise.

Any "plan of subjecting newspapers to a postage duty," he said, "a proposition which is insupportable by argument and utterly impracticable," must be compulsory, and a copyright would be necessary. "I ask for no protection against the Press itself, but I ask you for a law to enable me to collect the revenue, and to protect the honest trader who contributes his *fair share* to the State from the encroachments of the man who does not."

So far was Spring Rice from believing that to subject newspapers to a postage duty was impracticable that he knew that this was the plan then existing. In the following year he brought in an Act, not to alter the "impracticable" system, but to lower the postage from fourpence with 20 per cent. discount, to one penny with no discount. It may indeed be admitted that to invent a stamped wrapper in which any man might wrap an unstamped newspaper would have been an effort beyond the genius of Mr. Spring Rice. But this invention was by no means necessary. All he had to do was to enact that stamped newspapers only should go by the post, and that those copies which were not stamped should be exempt from all punishment, except inability to go by the post.

Why the repeal of the Stamp should involve a new law in support of copyright it is difficult to see. If an infringement of copyright were likely to be profitable, there was nothing in the Stamp to prevent it from being attempted. As to a law to enable the Chancellor to collect the revenue, if he did not want protection against the Press itself, why should he want any revenue from it? That a Government which taxes anything must protect those who pay the tax from those who would evade it, is clear enough. But in this case the argument arises only from the existence of the tax of which the repeal is demanded; demanded on grounds which the Chancellor admits, but on which he refuses to act.

Mr. Spring Rice was greatly aided by Mr. Edward Lytton Bulwer, who, by repeated motions, had taken to himself the Parliamentary representation of the advocates of the repeal of the Stamp. By his sudden weakening in 1835 he postponed the triumph of the cause for twenty years. He had been far stronger and fresher when speaking to his first motion on June 14, 1832, and to his second on May 22, 1834. On the first occasion he moved a series of resolutions:—

1. That all taxes which impede the diffusion of knowledge are injurious to the best interests of the people.
2. That it is particularly expedient at the present time to repeal the Stamp Duty on newspapers.
3. That it is also particularly expedient to repeal or to reduce the duty on advertisements.
4. That it is expedient, in order to meet the present state of the revenue, to appoint a Select Committee to consider the propriety of establishing a cheap postage on newspapers and other publications.

In the debate that followed, Mr. Bulwer rather damaged his case by some exaggerated calculations as to the effect that the removal of the Newspaper Stamp Duty would have. These errors were exposed by Lord Althorp, and in the end Mr. Bulwer withdrew his motion rather than submit to a vote that should defeat it. When he returned to the charge he moved, and Mr. Roebuck seconded the motion—

“That it is expedient to repeal the Stamp Duty on Newspapers at the earliest possible period.”

Lord Althorp, who had resisted Mr. Bulwer's first motion only by moving the previous question, met the second by a direct negative, avowing, however, that the state of things was not satisfactory, and that, if he could

afford it, he would do something. The most remarkable speech was that of Mr. Matthew Davenport Hill, who proposed the adoption of a postage plan which, he said, had been suggested by a person well qualified to give an opinion, Mr. Charles Knight, the publisher; who recommended that a stamped wrapper should be prepared for such newspapers as it was desired to send by post, and that the wrappers should be sold at the rate of a penny by the distributors of stamps in the same way as receipt stamps. Mr. Hill thought that the repeal of the stamp would increase the number of the newspapers sixfold, and the Chancellor of the Exchequer might get the same amount from every 600 newspapers as he did now from every 100 newspapers. Finally Mr. Bulwer went to a division, with result: Ayes, 58; Noes, 90—Majority 32.

Thus far Mr. Bulwer had done reasonably well, but on the 11th of August, 1835, he moved the reduction of the Stamp to a penny, and then, to the indignation of his seconder, Joseph Hume, withdrew his motion and left the matter in the hands of Mr. Spring Rice. We will not attempt to explain the inexplicable, further than by saying that the habit of mixing with "practical" men is apt to lead enthusiasts, as they grow old, to think that there is something childish in demanding exactly what is right. When an instalment is offered it is often difficult to know whether it will or will not be wise to accept it, and then to go on agitating for the rest. The acceptance of the alleged instalment was, in this case, the delay of success for twenty years.

On the first occasion Mr. Bulwer had brought before the House some important particulars on the connection between the price of a newspaper and the amount of its circulation; on the number of the newspapers in the United States, where there was no Stamp; and on the calculable effects of the repeal here. Mr. William Carpenter, he said, had sold his *Political Letter* at fourpence and enjoyed a circulation of 6,000 a week. He was compelled to stamp it and to sell it at sevenpence. The sale fell to 500 and he was obliged to give it up.

In the British Isles in 1829, 33,050,000 (stamped) newspapers were sold. This gave 630,000 per week; one for every thirty-sixth inhabitant. In Pennsylvania, then with 1,200,000 inhabitants, 300,000 newspapers were published; one for every fourth inhabitant—but there

the price of a newspaper was three-halfpence, in England it was sevenpence.

The Stamp, he said, and the Advertisement Duty, greatly diminished the number of advertisements. In one year twelve daily papers in New York contained 1,456,410 advertisements. In the United Kingdom, in the same year, 400 newspapers contained only 1,020,000. A daily advertisement of twenty lines inserted in a London paper cost £202 16s.; in New York it cost only £6 18s. 8d.

Thus the way stood clear for the compromise of 1836. It was certainly not a liberal, but it was, in some respects, a statesmanlike measure. The object of the first Acts imposing a Stamp upon newspapers was to protect the Government against the Press by condemning the Press to silence. The 60 George III. cap 9 combined this work with that of creating a Press by which the Government should be supported. This was done by dividing it into two classes; one who, to use the words of Mr. Spring Rice in the debates on his own Bill, of 1836, "were responsible to the country and the King," the other who "were not recognised by the law, and whose illegal publications were largely circulated because easily obtained." These words are specially characteristic of Mr. Spring Rice's arguments. The responsibility of the stamped Press consisted in its being under the influence of persons who were liable to penalties, if the writers should say anything which the Government, or some rich plaintiff, could persuade a jury to consider as a libel. The stamped Press was also compelled to pay a tax, and was rewarded with free postage, but only on condition that the tax should be paid on every newspaper, whether it went through the post several times or not at all. And who were the men not recognised by the law? Why did the law not recognise them? Because they attempted to instruct their countrymen in politics and, not charging to their readers a price which they could not pay, did not recognise the penalty imposed by the Government on an innocent action. The class "not recognised by the law" was created by the law. It was created with express malice, in order that cheap newspapers might be published only by those who were willing to brave the terrors of the law; a class which contained good men as well as bad, but all of whom were poor; for no man possessing property would contend with a statute which could

destroy, at one blow, all his resources. A man whose only property was 1,000 unstamped penny newspapers might be sent to gaol for a limited time, but he could be robbed only of £4 3s. 4d. But a man who possessed in addition £20,000 might be mulcted of all this sum; being liable to a fine of £20 for every unstamped newspaper in his possession.

The Act of 1836 aimed at certain objects, and, for the most part, it took care to fulfil them. Instead of leaving every previous Act so that even a lawyer could not say whether it were repealed or continued together with one in contradictory terms, it repealed 23 Acts, either wholly or in every part relating to newspapers and advertisements. Amongst these Acts were repealed the 10 Anne, cap. 19, *fons et origo malorum*; the 16 George II. cap. 26, by which as Lord Althorp had pointed out, the vendors were at the mercy of the common informers and county Justices of the Peace; and everything in the 60 George III. cap. 9 that subjected any newspaper or other paper or pamphlet to Stamp Duty. No part of the Act remained except the Security System, aggravated as it was by the 1 William IV. cap. 73, which augmented the amount for which the bonds were given, and made the bondsmen liable for damages in a private action for libel. But what was gained in clearness was to some extent made up for by increase of stringency.

We have space for only the salient points in the debates. When Mr. Spring Rice moved the reduction of the duty to 1d., "subject to such provisions respecting the size of newspapers and the printing of supplements as might thereafter be deemed advisable," the Conservative party knew better than to oppose any weakening of the tax on principle. They therefore affected to treat the question as one of revenue, and persuaded themselves that it would be a great benefit to the working class, if, instead of dirty newspapers, they were given the means of having clean hands. Sir Charles Knight accordingly moved that the tax on soap should be reduced from 1½d. to 1d., and on soft soap from 1d. to ½d. a pound. He incidentally attempted to prove that any alteration of the tax on newspapers was unnecessary, because he had sent a person to visit the coffee shops, who had informed him that for 1½d. he had obtained a cup of coffee and a sight of every newspaper published in London. Mr. Spring Rice said that he was far from

being opposed to the principle of cheap newspapers; but he was decidedly opposed to illegal newspapers and to all violations of the law. But he went on to show that, though he might expect to increase the number of stamped newspapers, which indeed he did, he did not expect to succeed in getting the law universally obeyed.

As the proprietor of a privileged paper, Mr. Walter, of *The Times*, felt constrained to denounce the Chancellor of the Exchequer's action as "exciting the people by success to violate any law that holds the Monarchy together." He justified himself by quoting a manifesto of the Society which we have already mentioned, as formed for the purpose of obtaining the abolition of the Stamp on newspapers. It alluded to the intention to keep the penny tax and to enact more severe laws against the unstamped, saying :—

"This will only strengthen the monopoly of the Press—make it, if possible, more servile and corrupt, and throw us more at the mercy of tyrants, by preventing us from reading or receiving any knowledge but such as the monopolists and the Government choose. It then becomes your imperative duty to speak out for the total abolition of the tax, by rallying round the unstamped before your principal channels of information be cut off."

This protest was signed by Dr. Birkbeck and Francis Place, the treasurers of the Society, and by William Lovett, the secretary, who must have been, *we think*, its original author.

In the course of the debates on the Bill, several changes in it were forced upon the Chancellor of the Exchequer. One of these was the distinctive die upon each newspaper. Another was a clause compelling every newspaper to register the names of all its proprietors at the Stamp Office. Both these additions were opposed by Mr. Walter. Mr. Wakley endeavoured to keep the Chancellor in check, and particularly objected to the words in the schedule describing a newspaper: "or any remarks or observations thereon."

Mr. Spring Rice's defence of them is remarkable. He said, July 25, 1836 :—

"If they allowed remarks on passing events, it would be hard to say how they could put remarks into a shape that would not be an account of what had taken place, and, therefore, unless these words were retained it would be impossible to have any definition at all."

It was not then sedition and blasphemy (which the remarks had been represented to be) that were to be

suppressed. They were to be forbidden because they involved the printing of news.

Mr. Wakley persisted in the view that had been expressed in the Roebuck Pamphlets, that to reduce the Stamp Duty was to make things worse. He divided the House against the passing of the Bill. Ayes, 57; Noes, 7—Majority, 50. Mr. Walter, with other views than his, joined him as a teller, and Colonel Thompson gave them his vote. Mr. Bulwer, Mr. Grote, Mr. Hume, and Mr. Roebuck took no part in the division, and appear to have absented themselves from the House.

The Lords rejected the clause for registering all the proprietors. Mr. Rice immediately brought in another Bill omitting the clause objected to. The principal Peer who supported the rejection of the clause was Lord Lyndhurst. He said, too, that the Bill left so little revenue remaining, that the House of Commons might as well abolish the tax altogether.

Thus the Whig Government established a monopolist Press and rendered illegal the publication of news unstamped, in cases where it had been rendered legal by the 60 George III. cap. 9. The great Liberal party had left behind it the aspirations of the Liberal school.

The most important part of the Act was the Schedule, which will be found in our Appendix.

The Act provided (Section 27) that proceedings could be taken only in the name of the Attorney-General or of some officer of stamps. These might for any penalty not exceeding £20, summon the offender before a Justice of the Peace. Appeal was allowed to the Quarter Sessions, from whose decision there was to be no appeal, by *certiorari* or otherwise.

The allegation so often made by the Counsel for the Crown in Newspaper Stamp prosecutions, of the duty of the Government to protect the publishers who paid their statutory duties, received no support from this Act. The question whether an "honest trader" was injured by an unstamped publication could not be raised by the "honest trader" or decided by any superior Court unless the Government itself brought the case before the Court of Exchequer.

We use the indefinite expression "the Government," because we do not wish to attribute to the Commissioners of Stamps an independence of action which they were very far from possessing.

The fine was £20 for selling, or even for possessing an unstamped newspaper. The penalty for publishing a newspaper without making a Declaration under Sections 6 and 7 of this Act was £50. This could be recovered only by proceedings in the Court of Exchequer.

There was a failure in the plan of Mr. Spring Rice for a Press "responsible to the country and the king." In dealing with this responsible Press the servants of the Crown were themselves not to be responsible to the law. Responsible to no law, the Commissioners gradually found their liberty an unpleasant possession.

A very salutary regulation was made by Section 3, that every newspaper should be stamped by a distinctive die. It thus became impossible for a newspaper to increase its apparent circulation by having bought stamps which it did not want, and which it sold to those who did. This measure was forced on Mr. Spring Rice, apparently much against his will.

The Act authorised measures for the "discovery" of proprietors, printers, and publishers; provided for warrants to search for unstamped newspapers, and to seize presses used in printing them; but allowed printers to protect themselves by giving notice to the Stamp Office of their presses, and of the publications they printed. The names of the printer and publisher of every newspaper, and some other particulars were to be printed upon it. Regulations were made respecting the payment of the Advertisement Duty, which, by 3 & 4 William IV. cap. 23, had been reduced from 3s. 6d. in Great Britain and 2s. 6d. in Ireland to 1s. 6d. in Great Britain and 1s. in Ireland.

The object of the Act was, for a considerable time accomplished. This object was to bring a whole trade of newspaper-proprietors, publishers, and printers under the supervision of the Commissioners of Stamps, who, though not compelled to do so, did to a considerable extent protect the trade against interlopers, and, by a judicious indulgence, collected a considerable amount of revenue from this newly-established trade, under the heads of Stamp, Advertisement, and Paper Duties.

CHAPTER IV

THE NEWSPAPER PATRONISED BY THE GOVERNMENT

FOR thirteen years the demand for the repeal of the Newspaper Stamp ceased. The causes of this calm were various. In the first place, Mr. Spring Rice had consolidated into something like a Guild, a Press which gave, to a great extent, what the people wanted, though it gave it only to those who could, in one way or other, afford to pay fivepence for a newspaper. The members of the Guild were protected by the Stamp Office in their monopoly of news; but the Stamp Office gave this protection in order to preserve the revenue, not in order to enforce the law. The quantity of news contained in the fivepenny paper, which he read at the public-house, seems to have indicated the amount which the working man expected to obtain. The publisher who gave less than this could not sustain a competition with the stamped Press, unless he indulged in indignation. The common informer was discountenanced by the 60 George III.; by the 6 & 7 William IV. he was suppressed. The unstamped publisher whose presses and whose newspapers were seized, found it only too easy to pile up the agony and to fill his columns with denunciations of "the blasted tools of an infernal Government." But when he was left to his own devices, this very necessary sauce to the slender meal he provided for his customers would require a good deal of care in its preparation. Mr. Spring Rice had defended the prohibition of remarks and observations on news, as necessary to enable the suppression of news itself. This reason passed muster in the House of Commons, not because it was logical, but because it was put forward as a reason for doing something the House liked to do. But it did not go down with the Commissioners of Stamps. They never confessed that they had any difficulty in separating the news from the commentary. If at this time Somerset House examined any unstamped newspaper, it did so, not to decide whether the com-

mentary contained any news, but to decide whether there was news enough to establish a competition with the stamped Press. If the paper was a monthly one, it was safe, whatever its contents. The newspaper reader likes his news fresh. Its truth is valued but as a secondary consideration. The penny stamp commenced September 15, 1836.

Mr. Spring Rice had, it is true, revived in Schedule A the definition of a newspaper given in the 10 Anne; which included every publication containing news, unless exempted by reason of its size; a definition which had been superseded in 60 George III. cap. 9, by the proviso against publication "at intervals less than twenty-six days." So far as prosecution was concerned, the Commissioners seem to have ignored the first definition in the schedule of the 6 & 7 William IV. We shall see, as we proceed, that a system was formed by which they appear to have been guided, but whether this system was due to spontaneous generation, or whether it was begotten of resolutions passed in private by the Commissioners, we cannot pretend to determine. We have obtained returns to Parliament of some of the correspondence of their officers with particular newspapers, but no one has attempted to lift the veil which naturally conceals the procedure of such a body. The discovery of some method by which they could separate the practicable from the impracticable in the Acts of Parliament which it was their business to carry out, was a mystery which must always have been painful to them. But the objects at which they aimed are as clear as the sun at noonday; these were to collect as much revenue as they could lawfully obtain, and to protect the taxpayers against all unequal competition.

The advocates of the liberty of the Press did not at once give up the hope of extending the reduction of the Stamp Duty into its total repeal. On April 13, 1837, Mr. Roebuck moved, though unsuccessfully, in the House of Commons :—

"That a Select Committee be appointed to consider the expediency of taking off the Penny Stamp Duty on newspapers."

The reader might weary of a detailed report of the debate on this motion, but it is impossible to omit the remarks which fell from the lips of Mr. Spring Rice. First he boasted of the success of his measure, of which he gave the following statistics :—

their paper, found that the extra tax made a fatal diminution of their profits. It was calculated that in ten years the number of paper makers in the United Kingdom was diminished nearly 50 per cent.

In searching through "Hansard" for the occasions when the Newspaper Stamp was discussed in Parliament, between the enactment of Spring Rice's compromise in 1836 and the renewal of the demand for repeal in 1849, we have found very few with the exception of Mr. Roebuck's motion just recorded. One of these was a complaint by Dr. Phillpotts, Bishop of Exeter, that the Commissioners of Stamps did not suppress Mr. Owen's weekly paper, the *New Moral World*. Lord Monteagle got out of the difficulty by boldly asserting that the publication was not a newspaper, that the Stamp Office was not a custodian of morals, and that the stamp being put on the paper before the impression was made, the Commissioners could not be held responsible for what appeared in that paper or any other. To this encounter between the Baron and the Bishop there was an even more extraordinary sequel. On March 4, 1840, Mr. Joshua Hobson, printer and publisher of the *New Moral World*, appeared before Edward Groves and Darnton Lupton, Esquires, charged by Mr. W. Pearson Fox, an officer of Stamp Duties, with publishing that paper without a stamp. Mr. Owen deposed that he had attended the Stamp Office with copies of his paper, and was informed that it could not possibly be stamped in that shape, and that there must be a material change before it was permitted to go through the Post Office. The magistrates were of opinion that the paper came within the list of exemptions, and therefore they could not convict. The information was accordingly dismissed, and the *New Moral World* appeared in two editions, one unstamped at threepence, and the other stamped at fourpence.

Incidentally Mr. Owen was told that the *New Moral World* had no right to go through the post. It would seem that when the stamp was reduced from threepence farthing to a penny the consequent free postage had become more than an equivalent for the duty. It was part of the reward to be given to those newspapers which, by registration and bonds of security, had become "responsible to their king and country." It was a privilege earned only by those who, under this

responsibility, published news and observations on news. It was part of the plan for a newspaper guild that should support the Government. In utter forgetfulness that the words "public news, intelligence, or occurrences" originally included events of past centuries, and even events that were fictitious, Somerset House took up the notion that news must be something about the Government, and that nothing else constituted a newspaper entitled to go through the post, and finally, the smallest quantity of this would carry this privilege with it. So the *Athenæum* and the *Literary Gazette* used to insert a chapter an inch and a half square headed "Politics," and were allowed to stamp as much as they pleased of their impression and no more. In short, the Acts of Parliament were drawn so that nothing was legal to which the Commissioners objected, and nothing was illegal if they chose to permit it. With the exception of the requiring of securities from newspapers of high price and large size, which we consider exempt under the 60 George III. cap. 9, we cannot accuse the Stamp Office of straining the statutes beyond their natural meaning, and this excess of duty was, we believe, an error of interpretation.

The decline of the agitation for the repeal of the Stamp, besides being due to the existence of a salaried Press, was caused by the diversion of reforming energies to other objects. The disappointment which had been felt at the neglect by the Whig Government to carry out the views which the foremost of them had entertained out of office had, before this time, begun to accumulate. Societies were formed for a further Parliamentary Reform. A demand for universal (male) suffrage, the first point of Major Cartwright's radical reform of the House of Commons, was formulated by William Lovett in a draft Act of Parliament, and adopted under the name of The People's Charter. The high price of corn, augmented by a potato famine in Ireland, and accentuated by the practice of importing foreign corn in bond when the sliding scale of duties was too high to permit it to be brought to market, and of throwing it into the Thames, if it became unfit for food before the duty fell low enough to sell it at a profit, gave rise to a society of the middle classes celebrated as the Anti-Corn Law League.

The repeal of the Newspaper Stamp had been looked to as the most probable measure to lead to the repeal

of the Corn Laws and to a further measure of Parliamentary reform. But the whole force of agitation in Great Britain was now carried away by one or other of the two movements just mentioned. The practical middle classes were strongly impressed with the importance of getting rid of the Bread Tax. The greater part of the working classes were the advocates of the Charter, although none were more interested than they in the cheapening of the necessities of life. They argued that with the Charter they were sure to obtain the repeal of the Corn Laws, while the repeal of the Corn Laws was not likely to aid them in obtaining the Charter. With a sentimentality for which some were slow to give them credit, they declared that they would not surrender their birthright (such they considered the possession of a vote for a Member of Parliament) for a mess of pottage. Sordid as poverty had rendered their lives, they were too poetical to convert Esau's mess of pottage into the English quartern loaf that was offered to them, and, like most of those who look back to the Bible for their politics, they were too careless of historical accuracy to observe that Esau, after he had recruited his strength with Jacob's mess of pottage, was left in full enjoyment of all the property which he had inherited.

Here we are anxious to point out emphatically that though most of the champions of the liberty of the Press were actively engaged in the cause either of the Charter or of the Corn Law repeal, and though some of the most sensible of them were engaged in both at once, yet with very few exceptions there was no forfeiture of their allegiance to the liberty of the Press. But they had given up all definite hope of obtaining it. It had become, to their more mature years, not a blessing to enjoy but "the heaven which we dream." Any attempt to repeal the Acts of Parliament which limited it would at this epoch have been felt to be a waste of time. One great cause of this was the indulgence of the Stamp Office. Besides, the literary energy of the reformers was expended rather in the writing of pamphlets than in the collection and publication of news.

Among those publications which were newspapers only by Act of Parliament, and which were ignored by Somerset House, was the *Gazette of the National Association*. It was edited by J. Humffreys Parry, afterwards celebrated as Serjeant Parry. It devoted itself to the

instruction of the rather eclectic Chartist Association, of which it was the organ, in the history of representative government, and of kindred matters. It commenced January 1, 1842, at a price of three-halfpence for each weekly number. Its conductors found that besides giving their services they had to suffer a pecuniary loss. It ended July 30, 1842. The farewell address set forth the impossibility of conducting an unstamped newspaper under existing conditions. It said :—

“ The difficulties in the way of establishing an unstamped political periodical are numerous and harassing, and never can be surmounted without efficient and constant co-operation. The fear of the law—a law which works for the suppression of opinion as potently by a penny stamp as it formerly did by a fourpenny—restricts the sources of information at every turn, and from those that are open it is hardly possible to cater for a newspaper-reading public. The passing events of the day are the most interesting to the generality of readers, and those events have, not wholly, because we have dared to infringe the law, but almost wholly, been excluded from our columns. The infringement of which we have been guilty has been so slight as to have escaped her Majesty’s Stamp Commissioners, so that we have not been troubled with their interference. But this very fact has no doubt disappointed many who have looked to the *National Association Gazette* for that which it has not, and could not have supplied them. This is a misfortune common to all similar attempts.”

This statement we consider accurate with one solitary exception. Mr. Carpenter’s *Political Letters*, which brought him a residence in gaol, did not exceed the statutory limits more than was done by the *National Association Gazette*, but they were more likely to interfere with the circulation of the sevenpenny stamped paper of 1831 than the *National Association Gazette* was to interfere with the circulation of the fivepenny stamped paper of 1842. The policy of the Government had changed. Its object in 1831 was to suppress the cheap newspaper; in 1842 it was to promote the sale of a dear one.

In 1840 Mr. (afterwards Sir) Rowland Hill had carried his plan of Penny Postage in the 3 & 4 Victoria, cap. 96. The following were the principal charges for the postage of newspapers :—

PRINTED BRITISH NEWSPAPERS.

“ By the post, from one town or place to another, within the United Kingdom (except by private ships) free. By the post of a post town, within the United Kingdom, addressed to a person within the limits of that place or its suburbs, one penny each. (Section 42.)

“ The term ‘ British newspapers ’ shall mean newspapers printed

and published in the United Kingdom liable to the Stamp Duties and duly stamped, and also newspapers printed in the islands of Guernsey, Jersey, Alderney, Sark, or Man, although not liable to Stamp Duties." (Section 70.)

It occurred to some who still resented the constraint of the Newspaper Stamp, that the privilege of free postage enjoyed by these island communities might be employed in order to obtain an unstamped newspaper without violating any statute. On May 20, 1848, therefore, W. J. Linton and G. J. Holyoake brought out, price twopence, unstamped, the *Cause of the People*, published weekly, but only for nine weeks. This publication displayed considerable talent, and a good taste, both in its language and in its appearance. On excellent paper, with a handsome vignette designed by W. J. Linton, a celebrated wood engraver, it was printed by William Shirreffs in the Isle of Man, and published in London by James Watson, a veteran in the cause of the liberty of unlicensed printing. His earliest service in this cause was in undergoing an imprisonment for selling a work which the bigots of that day considered as blasphemous. He was remarkable all his life for the sobriety of his demeanour and for his perfect trustworthiness.

The eight pages given in each number of the *Cause of the People* contained a careful selection of news of all political matters of importance, both at home and abroad; and it looked with anxious hope on the revolution then going on in Europe. But this selection was like the index to a newspaper of good size, and was not such a newspaper itself. Besides this there was in every number one editorial address, and in eight out of the nine numbers there were two. It did not pay its expenses. All the two editors could afford was their time. So it ceased July 15, 1848.

Unfortunately James Watson and his friends soon found imitators, and even foreigners were beginning to publish in the Isle of Man. So a Bill was brought in rendering newspapers published there and in the Channel Islands liable to postage, which received the Royal Assent early in September.

The repeal of the Corn Laws produced no immediate effect upon those who had made the Charter an article of faith. But by all who had considered with care the financial system introduced at the Revolution of 1688,

the fact that the Bread Tax had been abolished by the existing Parliament was felt as a valuable lesson. It encouraged them to make an attempt to obtain resources for the State on some system less unjust and mischievous.

It was among the merchants of Liverpool that it began to be seen that to raise taxes by interfering with the process of commerce, and even of industry, was to promote pauperism and crime. The Liverpool Financial Reform Association was formed, and put forward the idea of changing the whole financial system of the country by abolishing indirect and substituting direct taxation.

When the Corn Laws were repealed in 1846 Mr. Cobden was only forty-two years of age. It was not in his nature to cease exerting himself about public affairs or to attempt to obtain a position among those who were carrying on a financial and political system of which he disapproved. When such a position, fourteen years later, was offered to him, he refused it without hesitation. At the time we are speaking of, the autumn of 1848, he was considering what practicable attempt might be possible for a change in our financial system.

Mr. Cobden and the Liverpool Association discovered that they were separately working to accomplish similar objects. Mr. Cobden visited the Council of the Association, December 7, 1848, at Liverpool, and stated his views on the measures of financial reform *immediately* practicable, and heard in return the individual as well as the collective opinions of the Council. He then intimated that he would give his views in the shape of a Budget. This he soon afterwards communicated in an explanatory letter to Mr. Robertson Gladstone (brother of the future Chancellor of the Exchequer and Prime Minister) under the title of the "National Budget for 1849." It included the abolition of the Paper Duty at the cost of £720,000, and of the Advertisement Duty at the cost of £160,000, but the Newspaper Stamp was left unrepealed. The tide of 1832 was at its lowest ebb. Were the aspirations of so many years for the liberty of the Press to be choked in the Budget of the great Corn Law Repealer? Such seemed the prospect at the end of December, 1848, just twenty-nine years after they had been aroused by indignation at the passing by Lords Castlereagh and Sidmouth of the 60 George III. cap. 9.

CHAPTER V

THE PEOPLE'S CHARTER UNION

ON the evening of Monday, April 10, 1848—the day of the great meeting at Kennington Common, which some persons believed, or affected to believe, to be a threat of a siege of London, and which was expected, at Paris, to be the outbreak of a revolution—about a hundred persons met at Farringdon Hall to elect the Council and Officers of the People's Charter Union, the rules of which had been agreed to, and the nominations for the Council given in, on the previous Monday. We had had no share in convening the meeting at Kennington Common, but some of us had attended it. Most of us had been more or less active as members of the National Association, which had been evolved in 1841 out of a "Working Men's Association," under the direction of William Lovett, assisted by Henry Hetherington, Richard Moore, and James Watson, but which had fallen into decay. Thomas Cooper was elected president, Richard Moore, treasurer, and William Addiscott, secretary. Among the Council then elected, the following, with the two last mentioned, afterwards belonged to the association which finally succeeded in obtaining the repeal of the Taxes on Knowledge, and of the Security System introduced by the 60 George III. cap. 9: John Bainbridge, Collet Dobson Collet, Henry Hetherington, George Jacob Holyoake, James Hoppey, Joseph Hyde, Henry Mitchell, James Watson, and Thomas Wilson.

The People's Charter Union finds a place here, while all other Chartist Associations are unrecorded, not on account of its exertions on behalf of the People's Charter, but because by a process of evolution it grew into the Association for the Repeal of the Taxes on Knowledge, and is therefore an important part of our narrative.

On December 20, 1848, Mr. Cobden's Budget was

promulgated at Liverpool. This promulgation, made with the sanction of the new body, the Financial Reform Association, produced upon our minds a great effect. Though always discountenancing violence, we had maintained that to obtain the Charter was the only way to obtain those reforms for which we valued the Charter, chiefly as a means, but also as a recognition of the right of every man to "a place in the commonwealth." No one held this view more fanatically than the writer of this narrative. Fully believing, before the formation of the Anti-Corn Law League, in the necessity of repealing the Corn Laws, he attended no League meeting, and never entered the League Bazaar. But the logic of facts had shown that our doctrine was false. Now another reform was proposed by those who had beaten us; doing, in spite of us, by their own method, what we had told them they could accomplish only by accepting ours. The working classes in thousands still clamoured for the Charter—they were not likely to give it up for Mr. Cobden's Budget—another victory over them would widen the breach between them and the middle classes. But might not this evil be averted if we could infuse into this new movement a demand for a concession of a right?

Accordingly, at the quarterly meeting held on the 19th of January, with Mr. James Watson in the chair, an address to Mr. Cobden was adopted, asking him to insert the abolition of the Newspaper Stamp in his National Budget.

The following was its most salient passage, the rest being in substantial agreement with him :—

"But, while we cordially hail your National Budget, we think that you have put the most important part of it in a note, to be carried out or not as circumstances or chance may direct.¹

"We allude to the abolition of the Newspaper Stamp. We can scarcely avoid thinking that you have done this in order to give the working classes the opportunity of taking the initiative in demanding the repeal of the most atrocious of our imposts. We hasten to avail ourselves of the opportunity you have given us, and we earnestly entreat that the abolition of the Newspaper Stamp may be made an important feature in the national Budget.

¹ The passage here referred to occurs in Mr. Cobden's letter to the Financial Reform Association, and was as follows :—

"For the stamp upon newspapers a stamped envelope might be substituted, bearing only upon those which are transmitted by post; and the stamp duties generally call loudly for an equitable revision."

While Churchmen and Dissenters are quarrelling as to how we are to be educated, while Government accords but a paltry grant, and while earnest reformers like yourself acknowledge that a considerable time must elapse before any scheme of national education can be adopted—the least that all these parties can do is to allow us to educate ourselves. We are told that Englishmen are too ignorant to be entrusted with that franchise which is now nearly universal in Western Europe; we demand, then, that ignorance should no longer be compulsory. It is not always easy to know who are our real friends; but we think we are safe in denouncing as our enemies all those who desire to perpetuate our ignorance. By the penny stamp not only are we debarred from the expression of our thoughts and feelings, but it is made impossible for men of education or of capital to employ themselves in instructing us, as the price of their publications would be enhanced by the stamp to an amount which we cannot pay. A cheap *stamped* newspaper cannot be a good one. And if we are asked why we cannot be satisfied with the elegant and polite literature which may be had cheaply, we reply that we can no longer exist on the earth without information on the subjects of politics and political economy. A decree of the German Zollverein, or of the American Congress, may throw thousands out of employment. In such cases society does not, perhaps cannot, relieve our distress; let it no longer put obstacles in the way of our helping ourselves. We find it indispensably necessary to know when and where our labour is likely to bear a fair price, and when and where it will become a drug in the market. If compelled to leave the country of our birth, we would fain know in what land our labour is in demand, and not, as too many have done, strew with our bones an inhospitable soil. We require to know the natural laws by which the production and distribution of wealth are guided, in order that we may quietly submit to those laws and resist all others. And we say to those who are within the pale of the Constitution, 'If you cannot give us this knowledge, at least do not prevent us from seeking it ourselves; to tax the light of knowledge was ever a crime—see that you commit not the crime of perpetuating that tax.' Those who should do so would brand themselves indelibly as the wilful oppressors of the poor, and would be justly responsible for all the inevitable results of ignorance.

"If such a party exists in England, we feel assured that you, sir, would scorn to be their leader. Were you, as your enemies assert, a mere free trader, you could not for a moment support a tax which is a *differential duty* in favour of the rich against the poor. You have yourself shown how the amount of the tax may be supplied; and we cannot doubt that you will, as far as in you lies, confer on the people one of the greatest benefits that direct legislation can confer. Give, then, to the farmer his untaxed beer, let the shopkeeper enjoy his cheap tea, and the householder open his windows to the air and light of heaven; give us, Chartists, untaxed knowledge."

Mr. Cobden promised that our address should have his "very best consideration," and he was as good as his word. On the 26th of January the Council of the

Charter Union ordered a hundred copies of that document and his reply to be printed. These were sent out, and on the 2nd of February letters on the subject were received from Mr. Scholefield, M.P. for Birmingham, Mr. George Thompson, and Mr. George Dawson. This address and Mr. Cobden's reply were the basis of the whole of the subsequent agitation.

Never did any reformer, filled with enthusiasm for an idea of his own, accept a suggested change in it with such self-sacrificing readiness as that with which Mr. Cobden accepted our appeal. In the end, the Association for the Repeal of the Taxes on Knowledge obtained much more popular favour for its objects than the Liverpool Financial Reform Association obtained for Mr. Cobden's Budget, and all our objects were carried one after another by an agitation which lasted for twenty years. But the movement might have perished in its inception, and perhaps the Stamp have remained to this day as an incubus upon the Newspaper Press, had it not been for the generous promptitude of Mr. Cobden. He certainly did give his "very best" support to our cause, both in all he did and all he refrained from doing.

We next formed an Organising Committee consisting of Messrs. Hyde, Hetherington, Moore, and Watson; and they produced a report. Dr. Black, who will be recollected as engaged during 1842 in the cause of Parliamentary reform with Francis Place and other Radicals, attended its consultations. His counsels were of great use at this time, and it was by his advice that the Newspaper Stamp Abolition Committee was appointed to act as an independent body. It consisted of Messrs. Addiscott, Bainbridge, Collet, Donatty, Hetherington, Hoppey, Hyde, McGuinness, Richard Moore, and Watson.

Among Members of Parliament none had been more energetic or more persevering in our cause than Mr. Roebuck. We had looked on him as a friend ever since the time of Sir Francis Burdett's "National Political Union" in 1831, of which several of us had been members, while Mr. Roebuck and Mr. Richard Moore had been elected on its Council.

In commencing a new effort we could not have felt happy without asking him for a renewal of his former exertions. Mr. Watson's letter to him is not among our archives. The following was Mr. Roebuck's reply :—

"I beg to acknowledge the receipt of your letter of the 8th instant, in which you state that the Committee of the Charter Union are anxious to revive the agitation against the penny stamp on newspapers, and that they wish to know how far I and my friends would aid in this attempt.

"I beg in answer to say that I am prepared to take every *tax* off the means of acquiring knowledge—but here a very important question arises: 'Is the penny stamp a tax of this sort?' *Is it not a payment for the circulation of information?* Could we in any mode but the present postal regulation circulate information for a penny; and considering the whole country—the distant agricultural districts as well as London and other large towns—would it be wise, looking simply to the diffusion of information, to take off the penny stamp, and charge according to weight? People living in large towns have many advantages as respects the acquisition of knowledge which those living in thinly inhabited districts have not—and a wise legislator would always endeavour to raise all portions of the population up to the same level of information. But if we take off the penny stamp, I fear we shall take away from the poor in the country parts their most useful means of instruction. And as I do not consider knowledge a luxury, but deem it a necessity, which a good Government always provides for, I am not prepared to yield to the argument which says, 'it is unfair to make the people of the towns pay for the instruction of those in the country.' I do not think it unfair. I would put a tax on the whole country in order to establish a national education, and this penny stamp I look upon as one of the most efficient instruments of this national instruction. If we take it off the towns and keep it on the country the Post Office would not be self-sustaining, and then some direct impost will be needed to pay for the very necessary business of circulating the newspapers. It seems to me then that in its present state the penny stamp does not deserve the name of a Tax on Knowledge.

"I am much pleased by many parts of your address, and think every word of it well deserving of grave consideration."

The following is an extract from our reply:—

"We do not wish to interfere with postal arrangements, but we would suggest the adoption of some scheme like the following:—

"Divide newspapers into three classes, the stamped, the unstamped, and the occasionally stamped. Let the first enjoy the present privileges (perpetual free postage); let the second (the unstamped) be transmitted on such terms as the Post Office shall direct; and let the third be allowed to go free once, if it is thought too much to allow them the full privileges now accorded to them; for it must not be forgotten that this class already exists, and comprises, *Punch*, the *Athenæum*, and the *Literary Gazette*."

The spirit of the compromise of 1836, which Mr. Roebuck had so firmly opposed, even in 1837, against the triumphant Spring Rice, animates the whole of his letter. It was the basis of the whole of the opposition to the renewed agitation. Other opposition there was none, except a feeble wail about the revenue.

CHAPTER VI

THE NEWSPAPER STAMP ABOLITION COMMITTEE

ON March 7, 1849, the ten persons appointed for that purpose met at the house of Mr. Richard Moore, 25, Hart Street, Bloomsbury, as a separate and independent body, under the title of the Newspaper Stamp Abolition Committee; and elected on it Dr. Roberts Black, who had been secretary to a society for the same purpose—before the compromise of 1836. On the motion of Dr. Black and Mr. Watson it was resolved that the plan of organisation drawn up by the Charter Union “be accepted as the basis from which the Committee shall conduct its proceedings.” Mr. Collet was elected secretary “provisionally,” and Mr. Watson sub-treasurer. Francis Place consented to become our treasurer.

The Committee at once set to work to inquire into the details of the distribution of newspapers by post and by railway, the number of stamps issued from year to year, and the amounts returned as derived from each of the Taxes on Knowledge. As time went on they elected several of the members of the Charter Union and of the National (Chartist) Association already mentioned. Amongst those were James Beale, W. J. Carlross, G. J. Holyoake, and James Stansfeld, afterwards President of the Local Government Board.

On June 6, 1849, they took an office at Somerset House Chambers, 151, Strand. But this lodgment on the quarters of the enemy was not carried out. When the Secretary came down upon it with a cartload of furniture, the sub-landlord demurred to allowing any tenant to reside there. This *contretemps* was fortunate for the Committee, and still more so for the Secretary who, leaving behind him two very confined rooms, carried his furniture to 15, Essex Street, where he hired an attic with a bedroom behind it and a promenade on the leads in front, looking over the Thames. The rent was only

£25 a year; no more than was to have been paid at the house in the Strand.

The Secretary was allowed to live in the office on condition of bringing his furniture to it and of paying £5 a year towards the rent. Funds were low at this time; when things looked up this payment was remitted, and the Committee (or rather its successor, the Association for the Repeal of the Taxes on Knowledge) paid the two years' rent for which the Secretary was liable on account of the house he had left with two years of the lease to run. The arrangement by which the Secretary lived at the office was one of mutual convenience. It secured a pretty regular attendance—Essex Street, too, was a very convenient locality both for his avocations and for the attendance of the Committee.

On June 20th we issued our first address, which had been delayed in order to include some statistical information, and to receive some necessary polish from Dr. Black and Francis Place.

The following were two of its most telling passages :—

POSTAGE OF NEWSPAPERS.

"We have no particular objection to taxing London in order to spread knowledge through the country; but we object to any tax which acts as a prohibition. We have already shown that the evil of this taxation begins exactly where the tax ceases to be paid. If newspapers must be transmitted through the post at a loss, let that loss be made good out of the surplus revenue of the Post Office, out of the Consolidated Fund, out of the Corporation dues or local taxes; but do not prohibit newspapers to those who cannot pay the tax, and call this spreading knowledge through the country. Nor can we admit that the persons who receive newspapers through the post, and who generally belong to the comfortable classes, stand so much in need of newspapers as those who, unable to attend any but elementary schools—too poor to purchase, and too busy to read, many books—are entirely dependent for information on the gleanings made for them by the daily or weekly Press."

AN APPEAL.

"The tax on newspapers originated with the oligarchy. The middle classes are not responsible for it, but they will become so if they do not use their growing power to remove it. In the movement now commenced by them, but which has not yet assumed its final shape, the working classes claim to take their part, and to be heard in defence of their rights and of their opinions. If the middle classes wish to improve the condition of those less fortunate than themselves, they have now a golden opportunity. The reduction of the duty (a measure of which they have reaped the chief benefit) was carried almost entirely without their assistance. Let them, in their turn, carry that total repeal, which will benefit all who have an

interest in the spread of knowledge or the progress of truth. It is only by their assistance that this can be done in that perfectly legal manner which is the peculiar characteristic of the middle class reformers of Great Britain."

This appeal met with a very general response from the Parliamentary and Financial reformers to whom it was addressed. Among the literary and political sections of our supporters we found an agreement with our hatred of the compulsory Stamp, as the worst of the Taxes on Knowledge. Those whose capital was embarked in literature or in newspapers may be excused if some of them remained under the delusion that the compulsory penny stamp was only a postal charge, and if they pressed for the prior repeal of the Paper Duty, a movement which we rigorously opposed, or of the Advertisement Duty, which we as strongly encouraged.

At the same time we issued a leaflet to Members of Parliament and the Press, inviting the opinions of politicians and the co-operation of the journalists. It stated the whole amount of the Taxes on Knowledge at £1,116,733 15s. 6d., and touched on the injustice of the Security System.

One of the first to give us practical support in the House of Commons was William Scholefield, M.P. for Birmingham. Another Radical, Mr. Francis Mowatt, M.P. for Falmouth, had very early promised to bring forward our cause in Parliament. We afterwards heard from Mr. Cobden, Mr. Bright, and Mr. W. J. Fox, that Mr. Milner-Gibson had already expressed his intention of doing so. We were not quite comfortable in communicating this information to Mr. Mowatt, but he at once relieved us from all anxiety; he wrote to us that he would act only in concert with Messrs. Gibson, Bright, and Cobden, with whom he was in communication, and would cheerfully resign the honour of bringing forward the Bill for the Repeal of the Taxes on Knowledge to any one of them who might prefer to undertake it, as his object was that the thing should be done in the manner most likely to insure success. In the same month of August we received the adhesion of Mr. Charles Lushington, M.P. for Westminster, Mr. Joseph Hume, M.P. for Montrose, Mr. W. J. Fox, M.P. for Oldham, and the Right Hon. T. Milner-Gibson, Mr. Bright's colleague at Westminster. Mr. Cobden was with us, and Mr. Bright wrote :—

" ROCHDALE, August 1, '49.

" SIR,—I have to thank you for the papers on the subject of the Taxes on Knowledge.

" I need hardly tell you that I entirely concur with your Committee as to the propriety of a movement for the abolition of these taxes, and shall be most willing to give my aid to it in Parliament. Have you communicated with Mr. Milner-Gibson? I believe he intends to bring the whole subject before Parliament during next session.—I am, &c.,

" JOHN BRIGHT."

The Hon. E. H. Stanley, afterwards Lord Derby, sent us, however, a courteous refusal to take part in the movement.

From the Liverpool Reform Association we received the following letter :—

" DEAR SIR,—Absence on account of illness has occasioned the delay of acknowledging the receipt of your favour of the 30th ult. with enclosures, for which the Council beg to express their sincere thanks. We shall distribute the copies you have sent; but our funds are so fully occupied in our own publications and necessary current expenses as to preclude our purchasing other documents.

" As an Association we have always made the Newspaper Tax a leading educational question, and have so placed it in the foreground of our addresses, petitions, &c.; and we think it better to be dealt with in an efficient and striking manner by a society formed for the special purpose, than to break the old Association into fragmentary committees for special details of reform. We think the matter is in good hands, and wish you all success.

" I am, dear Sir,

" Yours truly,

" WILLIAM FOULKES, Secretary."

From individual members of the Association, however, we received subscriptions, and our Secretary on his visits to Liverpool always experienced the greatest hospitality from Mr. Charles Rawlins, and received some valuable literary aid from Mr. Charles Robertson.

The question might be asked here, what was the reception given to the movement by the Chartists? We find little or nothing on that head till December 14, 1849, when, at the last meeting of the Chartist Conference, a resolution was unanimously adopted advocating the total abolition of the Taxes on Knowledge. It would almost seem that this satisfactory expression of opinion was entirely due to the intelligent zeal of George Julian Harney. At any rate he went on writing in that sense in the *Democratic Review*, and making use of our pam-

phlets. But the Executive Committee did not disturb themselves much about the matter, though the unorganised Chartists encouraged us.

It was not till the 19th of September that Edward Edwards, then secretary of the Printers' Trade Union, joined our Committee; but he had previously given us valuable assistance in promoting movements of that trade in Liverpool, Birmingham, Manchester, and Sheffield. There were printers who thought that an increased demand for printing would so increase the proportion of apprentices as to injure the trade. Doubtless a sudden demand for printers would be likely for the time to increase the proportion of apprentices. On May 22, 1849, Mr. Edwards had delivered an excellent practical speech upon the fiscal exactions on the printing trade before a meeting of master and journeyman printers and newspaper proprietors, at the London Mechanics' Institution; Luke Hansard, Esq., in the chair. We now reprinted this speech and circulated 10,000 copies of it.

About this time our Committee was much exercised about newspaper copyright. There arose a fear that a flood of piracy would set in on the repeal of the stamp. Mr. Tomlins, editor of the *Weekly News*, thereupon came forward with two suggestions. The first was that an Act should be passed securing a copyright of a few days, or perhaps of a few hours, to news and leading articles. His other idea was much bolder, namely, to leave the Government to supply the staple of news, the House of Commons appointing its own reporters, and foreign intelligence being published in cheap editions of the *Gazette*. On October 3, 1849, Mr. Tomlins attended our Committee and personally explained his views to us. The work which we had cut out for ourselves was to break down an obstructive barrier which had been set up to prevent the people from supplying themselves with newspapers. We did not feel competent to convert the Government into a grand newspaper office, nor did it agree with our notions of criticism that the Government should be trusted with the duty of criticising itself. We would not now commit ourselves to an extension of the Copyright Act, a resolution to that effect being withdrawn. One of our members, Mr. George Harper, was strongly of opinion that that aim should be connected with the repeal of the penny stamp. We held,

however, the true remedy to lie in a summary process at law, and our decision has been justified by events.

Among those of our Committee who had been pillars of the cause, more than one died before the Stamp was repealed. Henry Hetherington attended the first four meetings of our Committee, and a fifth on May 30, 1849. He died August, 1849, and was buried in the cemetery at Kensal Green. His funeral oration was read by George Jacob Holyoake on the 19th. Thomas Cooper gave another oration in his praise at the Owenite Institution in John Street, Tottenham Court Road, August 26th, and W. J. Linton published a memoir of his life, and of the time when Henry Hetherington with James Watson, William Carpenter, Abel Heywood, and other heroic men, had been compelled to keep company in prison with the most degraded criminals merely for having exercised a right which belongs essentially to every free man.

Though we had not formed our Committee at the beginning of the year, had not incurred any expense till we took an office in the beginning of June, and received no subscription till July, we made up our accounts to the end of the calendar year, and drew up our first report. In it we announced that we had sent out our few tracts to the extent of 25,000 copies, to almost every stamped paper in the United Kingdom and class publication in London; that from the stamped Press we had received more support than we had expected, the *Daily News* and *Athenæum* being foremost, and valuable aid having been supplied by the *Liverpool Mercury* and other papers. We were also able to announce that we had commenced the nomination of district secretaries in the provinces, making the appointments provisionally. In our fifth year we advertised the names of eighty-one district secretaries, and some of their committees sent considerable sums to London for the general expenses of the movement. Our first provincial report gave an expenditure of £51 6s. 10d., with a modest balance of 4s. 8d. The most encouraging event recorded was that the *Reasoner*, always animated by G. J. Holyoake's genial personality, combined with its editorial support of the cause the collection of expenses to the amount of nearly £11, afterwards made up to £25, for our funds.

Mr. Scholefield had put us in possession of the following from the Secretary of Inland Revenue :—

"*Paul Pry* and the *Town* are not liable to the Newspaper Duty, but are regularly assessed to the Advertisement Duty."

On this we find a minute, dated September 12, 1849, that the Secretary—

"Reported that he had purchased a file of the *Town*, and had found it to contain intelligence, occurrences, and remarks thereon, in the shape of libels with names, places, and dates."

When, some years after this time, Mr. John Wood, Chairman of Inland Revenue, said to our then treasurer, Mr. Novello—

"I am a tax gatherer, and have nothing to do with morality——" it would be unjust to imagine that he, or any of his colleagues, had any desire to favour immorality. But as the Stamp was defended by some persons as conducive to morality, we made a point of showing that the Inland Revenue could have suppressed immoral papers, since they contained news which was not the less illegal if it were indecent, or if it were false. The object of the Stamp, so long as it was enforced, was to suppress a paper without discussing its character. But the Stamp Office did not show more favour to *Paul Pry* and the *Town* than they did to the *Athenæum* and the *Builder*. Nor, indeed, did they show them so much, since they certainly did not allow them, and on no account would have allowed them, to stamp a portion of their issue for the post. They collected the Advertisement Duty from all publications indiscriminately, and interfered with nothing that did not compete with the respectable stamped Press, which was "responsible to the king and country." A fraud on the revenue was the only immorality they considered it *their* duty to put down.

The compromise of 1836, though in the terms of the Act it was very harsh on the unstamped, was a great boon to the readers of newspapers, who, instead of complaining that they paid too much for a stamp, found that a penny for perpetual postage of a newspaper was so cheap that they began to fear that if the Stamp ceased to be compulsory the Post Office would carry newspapers only "by weight," as Mr. Roebuck had suggested, which implied that this weight might be that of the letter rate, which was then, since Rowland Hill's reform in 1840, a penny for half an ounce. We were well aware what a loss this would be. We sent out our tracts in closed envelopes at this rate; we had to make our printer

plough their edges, and we used to dry them in an oven in order to keep their weight within the half ounce. But we had no fear that the Post Office would abdicate the carrying of newspapers, and we had full confidence in the ability and the goodwill of Sir Rowland Hill to plan and carry out an excellent scheme, in the devising of which there was really no difficulty except the wish that some people indulged in to make penny newspapers impossible by requiring that every newspaper should pay a penny for "postage" whether it used the post or not. We were, therefore, well pleased when Mr. Milner-Gibson obtained from Lord John Russell, who had always been on friendly terms with him, his consent to receive an address from our Committee on the repeal of the Taxes on Knowledge, and especially on the Newspaper Stamp. On March 11, 1850, nineteen of our members met at Fendall's Hotel, Palace Yard, and Mr. Livesey (proprietor of the *Preston Guardian*) and five Members of Parliament—Messrs. Cobden, Kershaw, Mowatt, Monckton Milnes, and John Macgregor—accompanied us to Downing Street, where Mr. Milner-Gibson introduced us to Lord John Russell, who was then addressed by the three who had been appointed for that purpose. The Secretary opened the proceedings by stating the case against the Stamp Laws, their enforcement and their non-enforcement—all which has been previously recited in this narrative and does not require repetition. Mr. Edward Edwards drew Lord John's attention to the injurious consequences of the Newspaper Stamp, and to the objects of the delegation in respect of the Post Office regulations. The Rev. Thomas Spencer, Rector of Hinton Charterhouse (Bath), dwelt upon the moral bearing of the question. In reply, Lord John Russell declined to give any answer to a demand for a reduction of taxation, but observed that the fact of the Government having reduced the stamp from fourpence to a penny, and the postage of letters from sixpence to a penny, was an evidence that the Government were not indisposed to promote the enlightenment of the people.

We may well believe that Lord John Russell was not indisposed to remove the obligation under which every newspaper laboured, to pay a penny for postage, even if it did not require the aid of the post. This simple act of justice was all we asked of him—but as a financial matter it was in the department of the Chancellor of the

Exchequer. Sir Charles Wood was positively disposed to take the tax off bricks only; a tax for which we can make no defence. We had to wait till some Chancellor should be positively disposed to take the postage tax off unposted newspapers. When that Chancellor came to have a disposing mind he probably received Lord John's moral support—at any rate, whatever we got we obtained at a time when Lord John was in office. He ceased to be Prime Minister in February, 1852. When the Advertisement Duty was repealed in 1853 he was in the Cabinet without office. When the Stamp was repealed in 1855 he was Colonial Secretary. When the repeal of the Paper Duty was proposed in 1860, and when it was carried in 1861, he was Foreign Secretary.

Ours was not the only deputation received by Lord John Russell on the subject of the Taxes on Knowledge. Our movement for the repeal of the Stamp was a political movement in every sense of that ill understood word. We claimed the repeal as a right. We detested the Stamp Duty not because it was a tax on those who paid, but because it was a prohibition on those who could not pay it. And it was to write and print for ourselves that we claimed; not merely to read what other people might be so good as to write and print for us.

We asked for the repeal of the kindred Taxes on Knowledge, the duties on advertisements and paper. The advertisements we knew to be a chief profit to a newspaper, and it was not difficult to suppose that this was a reason for the continuance of a duty so oppressive and so unproductive. But we could suppose that the Paper Duty was retained by the Government for financial reasons only. The duties for the year closing March, 1850, were :—

Advertisements.....	£168,162
Stamp	£356,969
Paper.....	£915,121

£1,440,252

If, therefore, the question were purely financial, it was clear that the Advertisement Duty could be best spared and ought to go first, and as this would be a great help to cheap newspapers, when their time should come, and would also tend to convert class publications into newspapers even before that time, we gave no opposition to those who advocated the granting of precedence to

the repeal of the tax on advertisements. The most efficient of them by far was Mr. John Francis. He had agitated this matter for some years before we came into the field. His position as publisher of the *Athenæum* enabled him to afford quarters for any friends who from time to time were disposed to consult about this reform, and to form committee after committee to press the repeal of the tax on each Chancellor of Exchequer. The liberty of advertisement which we looked forward to in the interest of the future free newspapers was quite as much an interest of the present stamped Press. In 1849 a committee was formed of newspaper proprietors to demand the repeal of the Advertisement Duty. Its chairman was Mr. Peter Borthwick, who had undertaken the management of the *Morning Post*; Mr. Spicer, a wholesale stationer, was the treasurer. Among the committee were Edward Miall of the *Nonconformist*, John Cassell of the *Standard of Freedom*, and Herbert Ingram of the *Illustrated London News*, afterwards M.P. for Boston.

This Committee had had an interview with the Chancellor of the Exchequer. But there were others who, perhaps thinking a remission of only £160,000 a year a meagre affair, obtained an interview on the Paper Duty with Lord John Russell. Four paper-makers, Mr. Charles Cowan, M.P. for Edinburgh; Mr. Crompton, of Farnworth Mills; Mr. Wrigley, of Bury; and Mr. Baldwin, of Birmingham; and three publishers, Mr. Charles Knight, Mr. Robert Chambers, and Mr. Orr, were introduced by Mr. Hume, and accompanied by Mr. Scholefield and by Mr. Blair, M.P. for Bolton. Mr. Baldwin afterwards joined our Association. After the Stamp and Advertisement Duties were repealed, Mr. Crompton and Mr. Wrigley changed their minds and gave that best evidence of the mischievous effect of a tax on their own trade, a demand for its continuance.

We cannot find in the reports of these two deputations that they received so much encouragement from either of the two ministers as we received from Lord John Russell. Nor did anybody propose to take either of these taxes out of the hands of Mr. Milner-Gibson.

The fixing of a day for a motion for the repeal of a tax is always an anxious matter for a private Member of Parliament. Sometimes it is an anxious affair for a Chancellor of the Exchequer, especially when he has a

surplus for the forthcoming year, and has ideas of his own how to dispose of it. Such was the state of affairs in 1850. The demand was rising for the repeal of Taxes on Knowledge, and while our Committee demanded the repeal of them all it looked forward to receiving it by instalments, always, however, making one proviso, that in the order of their repeal due attention should be paid to the comparative financial facility for the surrender of the Advertisement and Stamp Duties, and always remembering that the great amount of the Paper Duty was a financial difficulty, and that the repeal of that duty while either of the others remained could be brought about only by a determination to keep the people in ignorance. But other duties demanded repeal or revision with no uncertain voice. Mr. Cobden in promulgating his Budget had proclaimed the necessity of a revision of the Stamp Duties on deeds and other documents. The window tax was odious from its tendency to exclude light and air. This injustice was caused by the fact that the number of windows by which the tax was regulated bore no definite ratio to the rent of the house to which they belonged. The tax on bricks increased the expense of building. Few of those who demanded the repeal of one tax ventured on the defence of another. Charles Knight, however, the publisher of the *Penny Magazine*, and proprietor and publisher of the *Penny Cyclopædia*, argued distinctly at this time that the tax on paper was worse than the tax on bricks.

Mr. Milner-Gibson was to have brought forward his motion for the repeal of the Taxes on Knowledge on February 12, 1850. It was, however, repeatedly postponed, and did not come on until April 16th. In the interval, Sir Charles Wood had brought forward his Budget, and on March 21st the Brick Tax Repeal Bill was read a second time. On March 18th his resolution on the subject of the Stamp Duties was passed; but on April 15th, when they were discussed in detail, the proposal of an *ad valorem* £5 for every £1000 on Bonds was defeated on an amendment moved by Mr. Goulburn. The refusal of this increase of taxation increased the difficulty of any reduction in another quarter. Our motion was disabled for the year. The repeal even of the Advertisement Duty would have disordered Sir Charles Wood's arrangements.

Undismayed by these adverse circumstances, Mr.

Milner-Gibson brought forward his motion, proposing to take a separate vote on each of the four taxes. In fact, he only took a vote on the Paper Duty, committing a distinct oversight in not submitting the Stamp to a division. He received the support of Mr. Disraeli and his section of the Conservative party, though they supported the reduction simply because they regarded it as preferable to the mode which the Chancellor of the Exchequer had adopted in the disposal of his surplus. Their accession caused the withdrawal of some Liberals who had professed to be our friends. They would not support the liberty of the Press against the Government, unless they were sure of being in a minority. We did our best to make these recreants uncomfortable, and not without success. Mr. Milner-Gibson was beaten by 101 votes. (Ayes 89, Noes 190.)

Later on Mr. Ewart moved the repeal of the Advertisement Duty. He was defeated by 169 (Ayes 39, Noes 208).

Mr. Milner-Gibson's speech contained an attack on the Inland Revenue Board for registering as newspapers fifty-one publications which they allowed to stamp only those copies which were intended to go by post. He instanced the cases of *Punch*, the *Athenæum*, and the *Builder*, and asked, if they were allowed to go unstamped, why the *Daily News* was not admitted to a similar privilege. Why were they let through the Post Office as newspapers?

"I must say that this system is so anomalous about stamps on newspapers with reference to the postage part of it, that I think you cannot maintain it, and that the thing will ultimately break down."

He also quoted a still more flagrant case—that of the *Norwich Reformer*, a monthly paper on which the Board had descended for containing a small page of news. He read the correspondence, which began by a caution from Mr. Timm, solicitor of Inland Revenue, and continued with the indignant demand of the editor to know why he should be prohibited from furnishing information, while the *Gentleman's Magazine* and other publications were permitted to do so. Mr. Timm's reply was a masterpiece of evasion:—

"The publications to which allusion is made are not before me, either officially or otherwise; I know, therefore, nothing of their contents; but assuming them to be unstamped papers and to con-

tain matter which they ought not to publish, it is not for me to offer any explanation upon the subject, nor can the circumstance justify irregularities in others. I may, however, remark—as I am aware that the subject has been under notice, in reference more particularly to learned societies—that articles, although relating to the transactions of such societies, and, therefore, savouring of public news and intelligence, yet as partaking of the character of a review, are not looked upon as matters to be objected to in unstamped publications. So also, with regard to dramatic performances and such like."

Messrs. Jarrold, the publishers of Mr. C. J. Bunting's *Norwich Reformer*, published, in their weekly newspaper, the *Norfolk News*, of March 18th, Mr. Timm's first letter, and communicated with our Committee. We advised them to petition Parliament before Mr. Milner-Gibson's motion came on, and to make a complaint against *Punch*. But they had a very natural dislike to making a complaint against a "contemporary." A complaint, dated April 2, 1850, was therefore drawn up at our office and signed by our porter, William Gellen. He was not favoured with a reply, though when the Board afterwards supplied some correspondence to a Select Committee of the House of Commons, we found that he had elicited an opinion to the effect that *Punch* could not be considered a newspaper. A second complaint of Gellen's produced a reply from the Board, declining to enter into the discussion of a question in which he appeared to have no personal concern. The idea of enforcing the law that we wished to get repealed was, to some of us, new, and even revolting. A resolution was accordingly passed by which the Secretary was instructed not to take cognisance of any information against the public Press. But we did not exempt from these complaints the works which were published by members of our Committee; and they made no objection. The Secretary, in his private capacity, engaged his friends outside the Committee to send in complaints, and left them very much to their own devices in drawing them up; not objecting to their censures of those publications when he did not concur with them. These complaints were generally against weekly publications which were neglected because they did not compete with the stamped Press.

The warning to the *Norwich Reformer* was followed by one to the *Freeholder*, a monthly paper of John Cassell's, and the organ of the Freehold Land Society. Mr. Scholefield protested, and was informed that the journal had not been singled out for a peculiar application of the

law. "I am to observe," said Mr. Keogh, "that such a notion is entirely without foundation, and that the same rule will be observed with regard to any similar publications that shall come under the Board's notice." Accordingly the *Household Narrative* was singled out for prosecution in the Court of Exchequer, in order to try whether a monthly paper was entitled to publish news or only remarks or observations on news. It was in every respect a newspaper except that only a small part of its news was fresh, since it was published only once a month. Like the *Freeholder*, but unlike the *Norwich Reformer*, it was registered as a newspaper, and, in spite of the Board's alleged objection, it stamped only a part of its impression—an offence for which it was never prosecuted and perhaps never even warned.

We gave the Board no peace, making each of its admissions a fresh ground for attack. Thus we persuaded Mr. Thornton Hunt, of the *Leader*; Mr. Charles Bray, of the *Coventry Herald*; and Mr. Thomas Allan, of the *Caledonian Mercury*, to represent to the Board of Inland Revenue how unfair it was to compel them to pay for more stamps than they wanted for postage, while fifty-one papers were registered as newspapers and allowed to publish as many copies as they liked without a stamp. The three letters were sent separately. Mr. Keogh, however, persisted that the papers in question were not newspapers, and paid no attention to an elaborate argument of Mr. Hunt on the damage done to his journal by the suspension of the Post Office duties on Sunday. We give his memorial, as it is important:—

"The Memorial of the Undersigned Showeth—That your Memorialist is editor and one of the proprietors of a registered newspaper entitled the *Leader*.

"That according to a return made to the House of Commons on 19th February last, fifty-one registered newspapers are permitted to stamp only a portion of their impression. Of these many are, according to the Schedule in the 6 & 7 William IV. cap. 76, as fully liable to the Stamp Duty as the *Leader*, particularly *Punch*, the *Freeholder*, and the *Household Narrative*.

"That your Memorialist engaged in the enterprise of founding a new journal, in the knowledge that such immunities were allowed, and had no wish to abate advantages enjoyed by others, although under the strict rule of competition the distinction be considered unfair.

"That the suspension of the Post Office duties on Sunday, however, has materially altered the position of his journal.

"The free transmission which has been given in return for the penny stamp is now in part withdrawn, and in this respect the

Saturday edition of a newspaper is placed literally on a level with the unstamped publications so far as disadvantages go, while news journals differ materially from other periodicals in the medium of circulation, never passing through booksellers as such. Your honourable Board will therefore perceive the injustice of maintaining the tax.

"Your Memorialist therefore requests that your honourable Board will, as a matter of right and justice, place the *Leader* on the same footing as *Punch*, the *Athenæum*, the *Freeholder*, and the *Household Narrative*, by allowing it to stamp only its country edition, and to circulate unstamped in London."

Meanwhile a reasonable and consistent letter had been received from Mr. Cardwell in explanation of the absence of his name from the division list on Mr. Milner-Gibson's resolution :—

"It is very natural and proper that you should ask me my reasons for voting, or not voting, upon any subject in which your Association feels a particular interest; and I have much pleasure in answering the questions you have put to me so courteously.

"I was absent from the House of Commons on the night of Mr. Milner-Gibson's motion, owing to a casual indisposition. But if I had been present it would not have been in my power to have supported it.

"The nation, like a private person, must deal with its income according to the rules of prudence. This year we have a very moderate surplus, and all that could possibly be spared had been already devoted to other purposes. It would have been reasonable to have moved a remission of some other duty, as for instance paper or advertisements, in lieu of the remission upon bricks and stamps. But having accepted these remissions, I do not think it is reasonable in Members of Parliament to press for others which there are no funds to meet this year.

"There is no constituency to which the maintenance of a surplus in the Exchequer is more important than the constituency of Liverpool. The briskness of trade which springs from confidence is still more important to yourselves than this remission would have been.

"Some gentlemen vote against every tax with the avowed object of forcing the House to reimpose the taxes on corn and other things which formerly oppressed the industrious classes. I had the pleasure of assisting to take off those taxes; and I do not choose to be the catpaw of those who wish again to inflict them upon you."

Mr. Cardwell's letter was certainly eminently reasonable. Moreover he was consistent. When in 1853, after a resolution had been carried against the Advertisement Duty, Mr. Gladstone proposed to retain sixpence out of the eighteenpence, Mr. Cardwell voted for the sixpence; when, however, Mr. Gladstone, as Chancellor of the Exchequer, proposed the repeal of the Newspaper Stamp, Mr. Cardwell voted for the repeal. "They also serve who only stand and wait." But it was evident

that this waiting would be tedious unless means were taken to induce the Government to make provision, either by retrenchment or by new taxes, to supply the deficiency which might be created by the repeal of the Taxes on Knowledge. In this work there was only one part which it was in our power to perform. This was to demand the enforcement of the law, which was expressed in terms which no one could accept without bidding adieu to common sense and common humanity, to get rid of which might thus be made an object of a Government which was not devoid of either. Whatever might be the sympathy of the House of Commons with the restrictions on the Press, it was pretty evident that the difficulty, on the part of the Government, consisted in the financial method of enforcing that restriction invented by the malignant intelligence so active in the reign of Queen Anne.

On May 15th, therefore, we drew up a petition stating in detail the manner in which the publication of printed matter was regulated by Act of Parliament, and the manner in which the Act was set at naught by the Board of Inland Revenue. We ended with the prayer for a Select Committee of inquiry with a view to the enactment of such regulations as should be "at least capable of being respected by the officers specially appointed to them." Mr. Milner-Gibson postponed his motion, however, until the following session.

At this time we received a great deal of assistance from the *Daily News*, which allowed us occasionally to make use of its columns. This was done gratuitously as an aid to the cause. Then we used to ask the printers for copies by hundreds, for the paper and printing of which we paid a reasonable price. This practice was almost universal both in London and in the Provinces. It never had occurred to me, whose mind was constantly on the rack to make the interpretation of the statutes as severe as possible, that the true intent and meaning of any one of those statutes was to tax an extract reprinted from a stamped newspaper. But on August 9, 1850, Mr. Timm, Solicitor of Inland Revenue, wrote to Mr. Samuel Greenwood, proprietor of the *Wakefield Examiner*, complaining of an evasion by him of the Newspaper Stamp Duty in having reprinted without a stamp copies of a paper purporting to be an account of the trial of an action, *Miss Fernandez v. Horner the Elder*. Some

copies were now before him, for every one of which Mr. Greenwood was, he said, liable to a fine of £20. Mr. Greenwood replied that a person had ordered copies of this reprint from the paper, and that they had been supplied to him. Mr. Timm then required a statutory declaration of the number of copies, and this demand was complied with. He, however, would not relax further than to offer to accept "the mitigated penalties" of £10; and on September 4th he wrote that if this was not paid within a week, proceedings would be continued to recover the full penalties and costs without further notice. Three or four years later we should have encouraged Mr. Greenwood to brave a trial in the Court of Exchequer, and have guaranteed him his legal expenses, though not his fines. But we were not in a position in 1850 even to pay all the expenses of our movement.

On the 27th of November we elected Richard Moore chairman of the Committee. He was a wood carver, employing men in this work, and doing with his own hands that part which was most important and delicate. His record as both member and friend of the working classes was a long one. He had been a member of the Council of the Political Union in 1831-32 and of that of the People's Charter Union in 1848-50. He was also one of the trustees of the hall of the National Association in common with William Lovett, James Watson, and Henry Hetherington. His appointment as permanent chairman contributed essentially to the stability of the Society. Such an office is of great importance in any Society. An occasional chairman is seldom able to advise or control a permanent secretary, who has everything in his hands, or members whose attendance is not continuous and whose knowledge is therefore imperfect.

In the country at this time, 1850, a notice to a publisher that he was breaking the law was generally enough to bring him upon his knees. In the year 1836, before the Stamp was reduced in September, there were forty-six prosecutions in the Exchequer. One defendant paid a mitigated penalty of £2. Thirteen absconded or were dismissed, thirty-three were convicted, and of these twenty-two were imprisoned. In the three years ending June 1, 1851, there were only fourteen cases in the Court of Exchequer. The case of Bradbury and Evans (*Household Narrative*) was reported as "Case still pending." Two were stayed on the papers being registered. Three

were stayed without fine. The others were stayed after the payment of small sums, the highest being the £10 paid by the *Wakefield Examiner*.

Twenty-eight cautions, not followed by prosecutions, are recorded as having been given in these three years by the Solicitor of Inland Revenue. Only five of these papers were published in London.

This policy of threatening tremendous penalties, and accepting a small fine on submission, was not ill calculated. It was a blunder to fall foul of extracts from stamped newspapers. But for the suppression of unstamped ones the plan was effective. The penalties enacted against a breach of the Stamp Acts would have been enough to ruin a man of any fortune. The leniency shown on submission was an essential part of the plan. For a single case carried to extremity in the Court of Exchequer against a man who had property to lose, would have excited a dangerous opposition. There were a considerable number of illegal publications in London which in no way competed with the regular newspapers, but each of these was the organ of some section of thinkers that would have resisted its suppression. If the object of the Inland Revenue was to retain the stamp on newspapers so long as this was possible, they were taking the most likely means to accomplish their object both in threatening prosecutions and in letting offenders off on very easy terms. But in recognising the first clause in the Schedule they made a tactical blunder. The re-insertion in 1836 of that clause which had been superseded by the 60 George III. cap. 9 was calculated to restore the difficulties which had already beset the enforcement of the stamp, and though it was part of his own Act, Lord Monteagle always ignored it. When Mr. Timm refused to consider that the third clause was a mitigation of the first *he* was perfectly logical in his dialectic, but the Act so construed was not so, and by insisting upon the enforcement of the first clause in its natural sense he contributed greatly to the emancipation of the Press.

CHAPTER VII

PAPER DUTY SOLUS

THINGS were now tending towards a crisis which was to decide whether we were to triumph in our attempt to liberate the Press from all control except that of the law, exercised in courts of justice sworn to judge printed matter only by its merits, and not by the date of its publication; or whether the relief from taxation should be afforded only to those who could, and who would, submit to regulations which would prevent them from addressing the majority of the people. We have already pointed out that the compromise of 1836, though an illiberal, was yet a statesmanlike measure; that is to say, that it aimed at an object, and adopted measures calculated to obtain it. By prohibiting general news, which everybody wanted to read, to all who could not give or procure security against libel, it created a sort of licensed and monopolist profession. By requiring a stamp, it kept up the price of newspapers to fivepence. By laxity in interpreting the third clause in the Schedule, which forbade any but monthly papers to contain *any* news or remarks thereon, Lord Monteagle disarmed the animosity of the stirring minds that would not refrain from communicating their ideas to the public; and he took advantage of that disinclination to manage or to edit a real newspaper which is characteristic of essayists from Joseph Addison and Sir Richard Steele to G. H. Lewes and George Jacob Holyoake.

The Act of 1836 revived the prohibition to publish news, even at long intervals, which had been abandoned by the 60 George III. cap. 9, and it continued the power to seize printing presses and to impose fines that, in a month, might exhaust a large fortune. But this did not make the Act unpopular. When these severities were first proposed, the idea was entertained that it was intended to put them into active and constant operation. When it was found that the terror was sufficient without

the practice, the power granted seemed less objectionable. Besides, the Act of 1836 limited its exercise to the Government. No informer, of his own mere motion, could now pounce upon a hawker on the high road, drag him before Justice Shallow, and claim a reward.

But against all these advantages to the privileged journalists who had been rendered "responsible to their king and country," was to be set one danger which especially hung over the most privileged of them all, the London daily papers. All these but one were in danger of being swallowed up by that one. In all the elements, expanding as they did with time, of a real newspaper, no newspaper was equal to *The Times*. Almost everything that every reader wanted was to be found there.

No London daily newspaper from 1836 to 1855 was sold at a less price than fivepence. But *The Times* charged no more. The sale was limited by the price. Every decrease in the sale of a newspaper had a tendency to deteriorate its quality; its readers gradually dropped off and took in *The Times*. The reader of a Whig, Tory, or Radical paper expected it to support his own views in politics. If his newspaper offended him, he did not take one of an opposite side; he took in *The Times*, and submitted to its views, over which he knew he had no control.

The following table shows the annual circulation of the London dailies :—

	1837.	1845.	1846.	1850.
<i>Morning Chronicle</i> ...	1,940,000	1,554,000	1,356,000	912,547
<i>Evening Chronicle</i> ...	220,000	134,000	93,000	—
<i>Morning Herald</i> ...	1,928,000	2,018,025	1,725,000	1,139,000
<i>Standard</i> ...	1,330,000	846,000	780,000	492,000
<i>St. James's Chronicle</i>	657,000	611,000	593,500	451,000
<i>Morning Post</i> ...	753,000	1,200,500	1,450,500	828,000
<i>Daily News</i> ...	—	—	3,520,500	1,152,000
<i>Express</i>			160,000	766,950
<i>Morning Advertiser</i>	1,380,000	1,440,000	1,480,000	1,549,843
<i>Globe</i>	864,000	852,000	764,000	585,000
<i>Sun</i> ...	794,000	1,098,500	1,104,000	843,500
<i>True Sun</i>	398,000	—	—	—
Total, exclusive of				
<i>The Times</i> ...	10,246,000	9,754,025	13,026,500	8,719,840
<i>The Times</i> ...	3,065,000	8,100,000	8,950,000	11,900,000
<i>Evening Mail</i> ...	318,000	525,000	530,000	650,000
Grand Total	13,629,000	18,379,025	22,506,500	21,269,840

When the *Daily News*, after starting at 5*d.* on January 21, 1846, lowered its price to 2½*d.*, its sale exceeded that of *The Times* in 1837; but this did not prevent the sale of *The Times* in 1846 from being 850,000 above what it was in 1845. The diminution in the sale of the other daily papers consequent on the sale of 3,680,500 of the *Daily News* was only 408,025. When the *Daily News* raised its price to 5*d.*, its morning edition lost two-thirds of its circulation; but that of its cheap evening edition, the *Express*, was more than quadrupled. The case was clear. The Stamp was acting as a prohibition of the cheap newspaper which the people wanted, and it was tending to render the London Daily Press a veritable monopoly in the hands of *The Times*. There was, however, one exception—the *Morning Advertiser* was, and is, the recognised organ of the Licensed Victuallers. No daily paper bears a higher and more independent character. During the thirteen years covered by our table, its circulation continued to increase; slowly indeed, as if this increase were caused by the increase of population, and not by looking out for popular favour.

The principal newspapers, not unnaturally, looked about for some means of improving their condition. It was equally natural that the last remedy, for the most part, desired by them should be the exposure to the universal competition which would follow from the repeal of the Stamp. There were indeed, among the newspapers, a number, in many parts of the United Kingdom, who were generous enough not to fear the consequences of liberty. These kept the discussion alive, but they were in a minority, and most persons interested looked for some relief which should benefit those who were in the trade without admitting new competitors. They turned, accordingly, to the repeal of the Advertisement and Paper Duties. We have said little of the details of this last obnoxious impost, because we postpone them to the time when we shall record the successful agitation for its repeal after the Crimean war. To us it was evident that since the Paper Duty brought to the revenue nearly three times as much as the Advertisement and Stamp Duties put together, the only reason for giving a preference to its repeal over that of the other two must be the determination to prohibit newspapers to the people. We therefore determined to resist all attempts to separate the Paper Duty from the smaller

Taxes on Knowledge, while we did whatever we could to favour any attempt to clear the road for its final repeal by first abolishing either the Compulsory Stamp or the Advertisement Duty.

On December 21, 1850, notices were issued that an Association had been formed for the abolition of the duty on paper. Mr. J. B. Crompton, of Farnworth Paper Mill, was the treasurer, Mr. John Cassell the chairman, and Mr. George Huggett the secretary. With these last two gentlemen we were on very friendly terms. A public meeting was, we learned, intended for January 2, 1851. We determined to dissuade the Committee from its move, if possible, and a deputation consisting of Mr. Bainbridge, accompanied by our Chairman and Secretary, waited on it, but without result. While we were in the committee room at Beaufort Buildings, the postman brought a letter from Mr. Milner-Gibson, and Mr. Cassell read out in triumph his acceptance of the invitation to attend the public meeting at the London Tavern. We were not dismayed at this intelligence. We had already discussed the situation with our Parliamentary leader, and had no reason to fear that he would depart from the straightforward and manly course he had adopted on April 16, 1850. We, too, exerted ourselves to persuade people to attend the public meeting, and we invited our friends among the Social Reformers of John Street, and the Fraternal Democrats, to give their aid to prevent our demand for a sacred right being converted into a merely commercial relief. The Chartists also listened to our suggestions.

Mr. Charles Cowan, M.P., took the chair, and opened proceedings with a brief but clear exposition of the evils attendant on the interference of the Excise with the manufacture of paper. He concluded with a handsome compliment to Mr. Milner-Gibson, who, by his advocacy of the cause in the House, had rendered further deputations to Prime Ministers and Chancellors of the Exchequer unnecessary. The first resolution, condemnatory of the Paper Duty, was moved by Mr. John Cassell and seconded by Mr. Peter Borthwick. The latter expressly demurred to the prior claim of the repeal of the Stamp on the ground that the vaster grievance should be removed in the first instance. After some demur, the resolution was put from the chair and carried unanimously.

The second resolution was moved by Mr. Petter, a bookseller, afterwards well and favourably known as one of the firm of Cassell, Petter, and Galpin, of La Belle Sauvage Yard, and seconded by Mr. Herbert Ingram, proprietor of the *Illustrated London News*. Mr. Holyoake, however, as we had previously arranged, promptly moved an amendment, which I seconded. The words inserted by him are given in italics :—

“ That this meeting is further of opinion that the duty on paper, *and on advertisements, and the penny stamp on newspapers*, by adding to the cost and consequently increasing the price *and deteriorating the quality* of books, newspapers, and periodicals, impede the progress of knowledge and the education of the people.”

In an uncompromising speech he declared that the question should not appear as one affecting a trade, but should rest on the dignity of a public principle. Following Mr. Holyoake, I asked in what sense Mr. Milner-Gibson appeared at the meeting. Were we to take it that he now merely advocated the repeal of the Paper Duty, or that he approved, as hitherto, of the repeal of the Advertisement Duty and of the penny stamp on newspapers? Nothing could have been more straightforward than his reply :—

“ As to the question brought before the meeting by the amendment, he must say he had always looked on the Paper Duty, the Newspaper Stamp, and the Advertisement Duty as linked closely together. With respect to their relative importance, he thought the stamp on newspapers paramount to both the others. . . . As to the excuses made by Government on financial grounds that they could not repeal the tax, he feared, disguise it as they might, there was at the bottom of all their objections a latent fear of spreading knowledge.”

The Chairman, in accordance with the general feeling of the meeting, put the amendment as a rider to the resolution, and they were carried with a solitary dissident.

The failure of the meeting at the London Tavern—a meeting which was to have been the signal for meetings all over the country—showed that in London there was no popular demand for the repeal of the Paper Duty, except as one of the Taxes on Knowledge, and the one for which there really was a financial excuse. Mr. Crompton, however, was far from taking the result in good part, and, at a meeting held at Leeds, threatened to break up his own Association rather than be connected with the repeal of the Advertisement Duty and the Stamp.

We were also severely lectured by the *Examiner* on our temerity.

Shortly afterwards, however, on our Committee being enlarged and reconstituted, it was joined by Mr. C. Cowan, Mr. J. Cassell, and Mr. J. Smith, of Morton Paper Mill, Bingley, the chairman of the meeting of paper-makers at Leeds.

The Paper Duty, instead of being the first to be wrenched from the Chancellor of the Exchequer, was the last. The Advertisement Duty departed this life in 1853, the Compulsory Newspaper Stamp in 1855, the Paper Duty in 1861, when its amount was £1,462,088; more than all the Taxes on Knowledge amounted to when we commenced our agitation in 1849. Why was this so?

Mr. Milner-Gibson was right when he said that at the bottom of all objections to the repeal of the Taxes on Knowledge there was a latent fear of spreading knowledge. But it was not in the Government that this fear had its stronghold. With the Government the financial difficulty was real. It was the latent fear of knowledge, in the House and outside it, that made Lord John Russell so slow in helping us to get rid of the Stamp. John Stuart Mill said afterwards that we had converted the Department. The Department completed the conversion of the Government. It was the Government that converted the House of Commons.

CHAPTER VIII

THE ASSOCIATION FOR THE REPEAL OF THE TAXES ON KNOWLEDGE

AMONG the difficulties awaiting voluntary associations, especially for political objects, the difficulty of making an accurate calculation of the powers of the associates is perhaps the greatest, as an over-estimate of those powers is the most fatal. By aiming at something, the speedy attainment of which transcends the laws of time and space, you may attract the minds of the imaginative. But you accustom them to treat the object at which they profess to aim as something entirely apart from their daily life. The idea of their high aim persuades them that they are above the ordinary run of men, and while their vanity is flattered in the present, the future arrives with nothing accomplished. The association that limits its objects to something within the power of its own members to attain is much more likely to attain that something. No discovery was more simple than that of Rowland Hill, that by paying the postage with a stamp when the letter was put into the post, instead of keeping the postman to collect the postage when he delivered the letter, the postage might be reduced to a penny. And the Society which banded itself together in order that Rowland Hill's invention should be utilised by the State did more for promoting the unity of the British Empire than all the schemes of Imperial Federation propounded by more ambitious politicians. But of all associations the most promising is that for destroying an abuse, which is one not founded in nature, but created by a Government. For to destroy does not require a creative genius. It can always commence by refusing to conform to an abuse. It is then necessary for the Government to punish the dissidents. Courage, patience, and perseverance will in time wear out the Government, if the dissidents are united under competent guidance. How exceedingly inconvenient it is for

a Government to defend an abuse by prosecutions nobody knows except those who have been engaged in them—no matter on which side.

This was our fortunate position; and we had the further advantage that the abuse we wished to destroy, was personified in the red stamp upon the newspapers. This now became the flag of the enemy by our denunciation. We demanded, not a general reform of our system of taxation, in which, like the Liverpool Financial Reform Association, we should have failed; but only the repeal of the Stamp which directly prohibited newspapers to the people, and of the Advertisement and Paper Duties, which indirectly tended to the same effect. It is true that we preached the faith as widely as we could, and advised our converts to record their numbers in petitions to Parliament, but we reckoned our gains, not by the number of those who had been baptized into the true faith, but by the number of Acts of Parliament of which we had been able to obtain the repeal. We appealed to every one who was in favour of change to support the one change we demanded, but we did not drive away our allies by requiring them to advocate any other change. From the People's Charter Union we had come out as a separate committee, not surrendering personally our Chartist views, but putting the repeal of the Taxes on Knowledge as the sole basis of our movement. We had thus suppressed any idea that by joining us any man was giving up his own opinions on the Suffrage, on the Church Establishment, on National Education, or even on Free Trade in Corn. This policy had been adopted by us in 1849, at the suggestion of Dr. Roberts Black, the private secretary of Sir William Molesworth. We cannot pretend that it was an original policy of our own. It was that of the Anti-Corn Law League, and at the meeting which we are about to record, of February 13, 1851, Mr. Cobden reminded us that he had told the League that he was willing to put his legs under the same table with those of the "old gentleman," if he would go in for the repeal of the Corn Laws. A year and ten months' agitation had established us in this position. The inclusion in our object of *all* the Taxes on Knowledge deprived our movement of the odium which otherwise we should have inspired in the minds of those who really suffered from the Advertisement and Paper Duties. The separate attempt of the paper-

makers gave the Chartists something to oppose. In following our lead, they accepted, as we had hoped from the first they would, the idea that the abolition of the Stamp would be the concession of a right which had long been denied to the people; and the recollection that the Corn Laws had been repealed without their help disinclined them from running the risk of another defeat; though some of them, and even some persons who were not Chartists, told us we had better wait till another increase of the suffrage had prepared the way for the liberty of the Press.

Our victory at the London Tavern showed that no popular movement could be got for a separate repeal of the Paper Duty, and it is to be supposed that Mr. Crompton kept his word and broke up his Association, when he found that his best man, John Cassell, was not disposed to be a puppet in his hands.

Mr. Cobden, who had all along given us his support and advice, now mustered his friends to form a new and independent Association, into which we were from the first accepted and associated with the new members in the management of its affairs. On Thursday, February 13th, a meeting of gentlemen anxious for the freedom of the Press, among whom were Joseph Hume, M.P., Richard Cobden, M.P., John Bright, M.P., T. Milner-Gibson, M.P., William Scholefield, M.P., and William Ewart, M.P., was held at the Exchequer Hotel, New Palace Yard. The chair was taken by Mr. Milner-Gibson. The first resolution christened the society "An Association for Promoting the Repeal of the Taxes on Knowledge." The following officers and committee were also unanimously appointed:—

PRESIDENT—T. Milner-Gibson, M.P.

TREASURER—Francis Place.

SUB-TREASURER—J. Alfred Novello.

CHAIRMAN—Richard Moore.

SECRETARY—C. Dobson Collet.

COMMITTEE—William Addiscott, Thomas Allan (Edinburgh), James Baldwin (Birmingham), John Bainbridge, J. C. Beaumont (Wakefield), Dr. Black, Dr. Bowkett, John Bright, M.P., C. J. Bunting (Norwich), Henry Campkin, W. J. Carlross, John Cassell, R. Cobden, M.P., George Dawson (Birmingham), Thomas Donatty, Passmore Edwards, W. Ewart, M.P., Samuel Harrison, William Hickson, G. J. Holyoake, Joseph Hume, M.P., Thornton Hunt, Joseph Hyde, Rev. E. R. Larken, Dr. Lee, G. H. Lewes, Christopher McGuinness, W. K. Norway, John Parker, William Scholefield, M.P., Edward Walhouse, W. A. Wilkinson, Thomas Wilson.

To these were promptly added Charles Cowden Clarke, James Hoppey, the Rev. T. Spencer, and any members of the Newspaper Stamp Abolition Committee who desired it. That body dissolved itself after handing over books and papers to the Association, and issuing a farewell address to the Members of Parliament who, as supporters of Mr. Hume's motion for the increase of the suffrage, were likely to befriend the cause.

This movement by an upper circle of public men gave the cause a new start. The new names were those of persons of some position. Those of them who were Members of Parliament had all along given us their countenance and support, and they now formed a society of their own. But they not only admitted all our members, but left in the old hands the executive management with which they associated themselves. The only changes were that to the existing officers of humble rank was added Mr. Milner-Gibson. Mr. Watson was succeeded as sub-treasurer by Mr. Novello; who from that time gave not only to the finance but to the general policy of the Association most valuable advice and assistance, including the advancing on his own account of money whenever it was required, so that we were relieved from the necessity of contracting our operations on account of financial considerations. For, said he, "We go in for success." Indeed, Mr. Novello was one of the few persons, in this extended Association, the want of whose services might have resulted in the failure of our undertaking. The policy adopted was that of the Newspaper Stamp Abolition Committee. We decided to attack the duties on paper, advertisements, foreign books, and newspapers, as a systematic tax on knowledge, to harass the Stamp Office by demanding the enforcement of the law, and to divide the country into districts for the purpose of petitioning.

Our first attack on the Inland Revenue Board consisted of a petition to the House of Commons, in which we argued that the rule was to enforce the law in the country, while allowing it to be violated with impunity in London. We therefore prayed that an inquiry should be made into its conduct, and all the Taxes on Knowledge abolished forthwith. Our next step was to call a public meeting at St. Martin's Hall, Long Acre. The space was filled to overflowing, and some interruption was caused by the pressure from without. Professor

Key took the chair, and he was supported by the eloquence of Mr. G. H. Lewes, Mr. Cobden, Mr. Milner-Gibson, and others. Resolutions defining our views were unanimously passed, and eight hundred persons signed a petition to the House of Commons for the total repeal of all the Taxes on Knowledge. The next day Mr. Edward Lombe, a Norfolk gentleman, sent us a subscription of £100. Our veteran treasurer, Francis Place, whose great age incapacitated him from attending an evening meeting in the month of March, was delighted with the prospects of the final triumph of the cause he had advocated for so many years, and he wrote to the Secretary :—

“Watson told me in a note of Mr. Lombe's handsome donation, and gave me an account of the meeting on Wednesday. Great must have been your indefatigable exertions to have caused such a meeting.”

In spite of the paper-makers' doctrine that the most productive of the three taxes would be the one most likely to be ceded by the Chancellor of the Exchequer; in spite of the discovery of the *Examiner* that the three taxes, which had been born together in 1712, could only be logically opposed separately in 1851, our view of their essential relationship prevailed with all who were interested in the liberty of the Press as an important part of the political liberty of the people. The banner, “Down with the Taxes on Knowledge,” was recognised as a political one; the two particularist demands had to take their place as trade movements, with those for the liberation of soap, hops, or malt. And when we look at the meetings at this time for the repeal of obnoxious duties we find that none of these indirect taxes—all oppressive of industry—was regarded by the people as so obnoxious as the window tax. There was a very ignorant patience with indirect taxation, which the people paid without knowing it. Those who, being unsalaried tax-gatherers, advanced to the revenue the duties on paper, advertisements, hops, soap, or malt, did sometimes see the injustice of the system to themselves, and then discovered that it was also unjust to their customers; but these last were very slow to see that the taxes which they paid without knowing it took from them more than double what they brought to the revenue, and this while often giving scant compensation to the unsalaried tax-gatherers. The window tax was

opprobrious to statesman because it was regulated by the number of windows, which was no criterion of the value of the house, or of the income of the householder. But this was not the reason of its unpopularity. It was the direct payment that was so odious. The house tax and the window tax existed together when the movement was begun for abolishing both, and people said "Let us get the house tax off first, the other is so bad that it will come off of itself." So the house tax was repealed in 1834, having in 1833-34 brought to the revenue £1,262,925, while the window tax in the same year amounted to £1,125,387, making an aggregate of £2,388,312. The window tax in 1850-51 amounted to £1,708,504. The house tax substituted for it produced in 1851-52 £727,027. A million was thus thrown away. But the anger of the ratepayers of Great Britain was not because a million was thrown away, but because the £727,027 was not thrown after it. The number of meetings for the *total* repeal of the window tax far exceeded the number of meetings for the separate repeal of the Paper Duty. It would be a laborious task to count all the meetings which were recorded in the newspapers of the year, but from such as we have come upon we believe that the number of public meetings for the total repeal of all the Taxes on Knowledge was much greater than that for any other relief from taxation except for the repeal of the window tax. He would have been a bold man who, after the Chancellor had announced that he was going to substitute a house tax by which a million would be lost, should have moved an amendment to retain that million, and to apply it to the repeal of the Paper Duty or the soap duty. When Mr. Crompton warned the paper-makers of the danger of mixing the repeal of the Paper Duty with a political movement, he entirely mistook the popular feeling of the country. The people did not appreciate the evils of taxes on industry, they did care for politics, and thus they did see the iniquity of Taxes on Knowledge. It was only after the repeal of the Advertisement and Stamp Duties had made Paper Duty repeal a political question, that a public meeting in the St. Pancras Vestry Hall demanded that the income tax should be maintained at tenpence in the pound in order that the duty might be taken off paper.

From that time forward the movements for the repeal of the Paper and Advertisement Duties became recog-

nised as mere trade agitations. Even so, they attracted comparatively little attention beside the demand for the abolition of the oppressive window tax. Mr. Crompton and his friends approached the Chancellor of the Exchequer, and they were followed by a deputation of the advocates of the repeal of the Advertisement Duty which waited on the Prime Minister. "I trust," said Mr. Ewart, "we have succeeded in convincing your lordship that we have a very strong case." Lord John Russell thanked them, but added with a smile, "I have heard many other strong cases as well." The Irish paper makers also deputationised on their own account. These representations, however, had little effect on the "Budget," which repealed the window tax and substituted a house tax of less than half the amount. A very general dissatisfaction induced Sir Charles Wood to withdraw his financial proposals, but they reappeared without much alteration.

On March 21st we issued a revised Address of the Association to the people of the United Kingdom. It alluded to the proceedings of the Board with regard to *Yr Ipsyr*, a Welsh monthly, and to the *Household Narrative*. The Welsh paper was compelled to be stamped, a process which soon extinguished it. Charles Dickens's journal was allowed to continue, pending legal proceedings. Two passages in the Address are upon the special want of newspapers in Wales:—

"If the Paper Duty tends to substitute mischievous works of fiction instead of wholesome instruction, the penny stamp is still more potent, for it absolutely prohibits a cheap record of facts, and throws insurmountable obstacles in the way of a communication of ideas between the different classes of the community. Let any one who reads these pages ask himself what he knows of the agricultural labouring population. We guess at them occasionally by the light of burning hayricks, or by the assistance of pauper riots. We may particularly instance the Rebecca Insurrection in Wales, which would never have taken place if the aggrieved parties had had any easier and cheaper method of making known to Government a grievance which was not more remarkable for its oppressiveness than for the ease with which it could be redressed."

After commenting on the slowness of the proceedings against the *Household Narrative*, and the impunity of the *Freeholder*, as showing that the Government had "neither the grace to repeal the law, nor the courage to enforce it," we continued:—

"An important exception must be made to this remark; the law is enforced very strictly in the country where a letter from the

Board meets with that respectful obedience which is not one of the characteristics of London publishers. Mr. Hugh Jones, of Llangollen, was in the habit of publishing fortnightly a penny paper, called *Yr Ipsyrr*, of which he used to sell 2,300 copies. The Board obliged him to stamp it. He then brought it out monthly, at threepence, and the sale fell to 600, which caused its discontinuance."

Mr. Cobden had some doubts as to the judiciousness of this Address. "Too long by half," he wrote in the first instance, and later :—

"I doubt the policy of your penning an acrimonious attack against the Inland Revenue Board. Prove their inconsistency and injustice as much as possible by facts brought out before the Committees and involve them in as much embarrassment as you can by arraying against them their own contradictory decisions and interpretations of the law; but do not make personal or vindictive attacks upon them. I am not without hope that we may bring Mr. John Wood to such a view of the whole matter as may induce him to recommend an alteration of the law."

CHAPTER IX

PARLIAMENTARY COMMITTEE PROPOSES REPEAL OF NEWS-PAPER STAMP—ACQUITTAL OF DICKENS'S "HOUSEHOLD NARRATIVE"—THE "STOKE NARRATIVE," AND THE "DUNFERMLINE NEWS"

THREE days after our meeting at St. Martin's Hall, Mr. Hume introduced a deputation to the Prime Minister, of which he immediately gave us an account in the following letter:—

"I have just returned from Downing Street, where sixteen Members of Parliament met me, and we had a long audience of Lord J. Russell.

"I took the three packets of pamphlets and left them with him.

"I stated at length all the bearings of the tax, to show its irregularity and injustice, and the good it prevented.

"I compared the state of the Press in the United States with it here, and desired to give him the credit of repealing the penny stamp, the Advertisement Duty, and the Paper Duty, to give us some pretext for supporting the income tax.

"Mr. Cobden and Gibson enforced my arguments. But whether any good will result from our interview remains to be known.

"If you have any more printed copies of the Association and its members, let me have one or two, as I left my copy with Lord John.

"I hope Dickens will press on the decision in his case; and then we must have a great meeting on the subject. It cannot—must not sleep."

The interview with Lord John was not fruitless. On March 19, 1851, Mr. Milner-Gibson attended our weekly evening meeting and announced that Lord John Russell had offered him the Committee of Inquiry on the Newspaper Stamp which he had refused him last year. This Committee obviated the necessity of a motion in the House of Commons. "Hansard" for 1851 has not a word about the Taxes on Knowledge, but the result of the Committee was more advantageous by far than anything that could have been obtained from a motion. Mr. Milner-Gibson was appointed its chairman, and the other members were Mr. Tufnell, Mr. Ker-Seymour,

Mr. Rich, Mr. Stafford, Mr. Cobden, Mr. George Alexander, Mr. G. A. Hamilton, Sir Thomas Frankland Lewis, Mr. Chichester Fortescue, Mr. Shafto Adair, Mr. Ewart, Mr. Sotheran, Sir Joshua Walmsley, Colonel Moore, and Sir William Molesworth, of whom the two last did not attend the meetings. The Committee was engaged at intervals from the middle of April until the 20th of June in the hearing of evidence. Some of it was interesting, particularly Mr. Abel Heywood's statement that the taste for objectionable publications at Manchester was attributable to the absence of cheap papers giving the news of the day. Mr. Timm attempted with more eloquence than success to explain the law, and define the mysterious word NEWS. On the 11th of July the draft reports, prepared by Mr. Milner-Gibson and Mr. Rich respectively, were produced. That drawn up by Mr. Milner-Gibson was a most judicious summary of the case against the stamp, in all the shapes it had taken, under laws which in later times had been constructed so exclusively as engines of terror that their execution had never been possible. The draft report of Mr. Rich was an ingenious attempt to prove that the prohibition to publish news without a stamp was a method inspired by almost superhuman wisdom for the dissemination of the most valuable knowledge, that contained in good newspapers, to every corner of the United Kingdom. He failed to prove this to the satisfaction of the Committee, but this failure he might well attribute to the officers of Inland Revenue, in the utterly unfounded distinction which they had made between public and private news. Both the fact and the avowal that every paper devoted only to the making public news, true or false, about private persons, brought no one in danger of prosecution for omitting to stamp it, deprived him of a trump card. The advocates of the Stamp fought hard, and the vital passage of the report resolved itself into a compromise, which told nevertheless in our favour. The author of the paragraph was Mr. G. A. Hamilton, though the last sentence was added by Mr. Cobden. It ran :—

“ Your Committee consider it their duty to direct attention to the inconveniences incident to the present system of newspaper stamps, arising from the difficulty of defining and determining the meaning of the term ‘ news ’; to the inequalities which exist in the application of the Newspaper Stamp Act, and the anomalies and evasions that it occasions in postal arrangements; to the

unfair competition to which stamped newspapers are exposed with unstamped publications; to the limitation imposed by the stamp upon the circulation of the best newspapers, and to the impediments which it throws in the way of the diffusion of useful knowledge regarding current and recent events among the poorer classes, which species of knowledge relating to subjects which most obviously interest them, call out the intelligence by awakening the curiosity of those classes. How far it may be expedient that this tax should be maintained as a source of revenue, either in its present or in any modified form, your Committee do not feel themselves called upon to state; other considerations, not within their province, would enter into that question. But, apart from fiscal considerations, they do not consider that news is in itself a desirable subject for taxation."

The report, with the evidence, was printed and made the subject of repetition and of comment throughout the Press. Some of the newspapers complained bitterly that they should be ruined by the loss of the perpetual free postage. A good many country newspapers took this line, but a good many took one more generous and more accurate. We did not place too much reliance upon having obtained a favourable verdict from the Committee, but accepted its promulgation as a means to future success for still persistent efforts.

The Secretary was about to start on a mission to form associations in Manchester and Liverpool, and asked Mr. Cobden for introductions. In his reply Mr. Cobden adverted to the unfavourable opinions of the Press on the report of the Select Committee, and to the demand made by *The Times* at that Committee to add to its contents a supplement without any increase of duty :—

"I advise you to see Mr. Bright, who lives at Rochdale, half an hour by rail from Manchester, and who will give you any aid or information in his power in promotion of your objects. If you see Mr. George Wilson this note will be an introduction for you. It will be a tough battle to get rid of the penny stamp. Nearly all the newspapers are against it. Have you seen the printed circular containing extracts from the *Scotsman*, and many other Scotch papers, all abusing the Committee and its report? Did you observe a letter in the *Examiner*, afterwards transferred to *The Times*, in which it is proposed that *supplements* should be allowed to be printed without a stamp and go free of postage? That would just suit *The Times* and the other *monster* papers, but would be the ruin of smaller journals. You must form societies in as many places as possible, to get up petitions before the meeting of Parliament."

Of course I failed not to call on Mr. Bright and Mr. George Wilson, who both attended a meeting at the

League Rooms, in Newall's Buildings, where it was agreed that I should return and on October 23rd should address a preliminary meeting for the purpose of forming a Manchester Association. This meeting did not take place till some time later. I took Liverpool in my tour as well as Stroud, and gave two lectures in the Town Hall at Birmingham, Alderman Hawkes presiding. On my return to London we were considering how best to encourage the publishers and would-be publishers of monthly publications when the decision of the Court of Exchequer in favour of Charles Dickens's *Household Narrative* opened at once a wider field for our operations.

The decision of the Court of Exchequer, delivered on the 1st of December, though not unanimous, was in favour of the defendant, Mr. Charles Dickens. The four judges had to discover what was the law of the land by considering the meaning of the loose words that in the course of 140 years our legislators had carelessly written down on paper. They also assumed that the law was the same in 1712 as in 1851, except that in the former year the interval of publication short enough to constitute a newspaper had not been defined. Yet it was quite certain that the *Spectator* would not have been called upon to stamp in 1851, while it was by no means certain that the *Household Narrative* would have been requested to do so, could it have appeared in 1712. Baron Martin, Baron Platt, and Chief Baron Pollock all relied upon the 60 George III. cap. 9, and decided that, as the *Household Narrative* was not a newspaper under that Act—being published at intervals of more than twenty-six days—it was not a newspaper under the 6 & 7 William IV. cap. 76. They forgot that the reduction of the duty from 3½d. to a penny was not inconsistent with the extension of the penny duty to a new class of papers. Baron Parke, on the other hand, held that the Crown was entitled to judgment, and he quoted Schedule A of the Act of 1836. However, he was, of course, in a minority, and Charles Dickens received judgment with costs.

This verdict neither elated nor depressed us. It gave a start, indeed, to monthly unstamped publications, but a conviction would have destroyed the Stamp all the sooner. The public would not have allowed Charles Dickens to suffer under laws professedly enacted

to prevent blasphemy and sedition. Hence our remarks in our annual report were guarded in character :—

“ On the 1st of December, 1851, the Court of Exchequer gave judgment against the Crown in the case of Charles Dickens's *Household Narrative*. This decision closes in their favour the question whether monthly publications are liable to stamp; but it not only leaves open several other questions, but by introducing public opinion as a test of what is a newspaper, to the exclusion of the text of an Act of Parliament, it opens a wide field for speculation and uncertainty. The Chief Baron's declaration that certain papers are not newspapers, because nobody thinks of prosecuting them, is highly suggestive; and Mr. Rich's hint to Mr. Timm, while giving his evidence before the Committee, that the only way to ascertain the law is by breaking it and taking the chance of a prosecution, is not less so. Unfortunately this state of things acts most unfairly. In London publishers try experiments on the nature of the law without molestation; but in the country such experiments meet with the disapprobation of the Stamp Office; as the Crown never gives costs, even when it fails, the poor country publisher is seldom rich enough to gain his cause, much less to lose it. So long as the officers of the Crown can go into Court without risk of personal loss, while the defendant is exposed to heavy losses, even if he gain his cause, the Excise is only another name for the Inquisition.”

We lost no time, nevertheless, in considering how to improve monthly papers into weekly ones. It was not long after the decision that we were consulted by Mr. John Gardiner as to the propriety of an attempt to carry it into effect. Mr. Gardiner had in 1845 set up and registered as a newspaper the *Wisbech Advertiser*, stamping such copies only as he wished to send through the post. Mr. Timm speedily informed him that he had better stamp every copy or abandon his undertaking. He adopted the former course, and for five years had a sale averaging 933 copies per month. On the decision in the Court of Exchequer, he lowered the price to three-halfpence, and prepared to bring out also the *Wisbech Record* on the third Friday of the month, the *Advertiser* coming out on the first Friday. It was on his account that we asked an opinion from Mr. Ashurst, an old friend of ours, as of every good cause. He advised us that it was hardly worth while taking counsel's opinion, but he made no objection to carry on any case we commended to him for defence. Eventually an opinion was taken, and it entirely confirmed Mr. Ashurst. Accordingly we could not assure Mr. Gardiner that he would be safe from interference. He thought it best to send a card with a notice of his intentions to Mr. Timm. Mr. Timm at once warned him

that his project was illegal under Section 4 of 60 George III. cap. 9. We offered to guarantee Mr. Gardiner's legal expenses were proceedings taken against him for the *Wisbech Record*. He thanked us for our offer, but said that with one monthly paper on his hands, and his general business besides, he would not like to be subject to the inconvenience of a Government prosecution. He would be happy to give every information and business advice to anybody else who was disposed to bring out a paper in the middle of the month, but he wrote to Mr. Timm thanking him for his warning and saying that he had abandoned his intention to publish the *Wisbech Record*.

We soon saw that we should have to take the matter into our own hands, and we looked round for some one who would be disposed to act under our direction. In all our lengthened agitation we had the good fortune, resembling that which we find in novels, that when we had need of a new man to undertake some new task, the wished for genius answered our call.

A young man, Frank L. Hay Grant (son of the Rector of Shelton), a friend of Mr. Holyoake's and a writer in his weekly paper, the *Reasoner* (a newspaper by Act of Parliament, but by the grace of Somerset House only a literary work), was editing the *Weekly Visitor*, a paper which, being of magazine length and breadth, though not of magazine thickness, had not been honoured by the attention of the Inland Revenue. Paralysed from the waist downwards, Frank Grant was confined to his couch, but he looked up from it into your face with a militant geniality which we never saw surpassed. His benevolent and persistent activity was an example which it was impossible not to admire, while his breezy cheerfulness was so invigorating that you never could recollect that you were sitting beside the couch of an invalid. It required little persuasion to induce him to undertake to edit the *Stoke-upon-Trent Narrative of Current Events*, and his friend George Turner, who printed the *Visitor*, undertook to print it. The special object we aimed at was the liberation of the monthly newspaper from the obligation to come out at any particular time in the month. This liberty, when gained, we intended to persuade publishers to utilise by combination, so as to produce a monthly paper once a week.

Frank Grant wrote to us :—

"January 26, 1852.—I am much pleased with your letter in the *Leader* of Saturday week,¹ but I am not quite clear as to the necessity of the four proposed weekly monthlies being *bond fide* different properties, and printed at different offices. Their being printed at one office does not prove them to be one property, any more than being printed at different ones would prove them to be different properties. How can a paper be identified except by its name? *Ergo*, change the name and the identity is gone, and this is all we want."

This policy seemed to us very hazardous, and, in reply to our remonstrance, Frank Grant remarked :—

"January 29, 1852.—Many thanks for your kind letter. I see plainly now that the scheme I proposed will not do. We must fight on surer grounds. Our periodical (of which I send you a copy) is a weekly paper, and therefore we cannot fall in with your suggestion about the *Weekly Visitor*.

"But *this* we might manage: we might publish on the 14th of February a Monthly News Supplement giving the Queen's Speech and other intelligence, just to test the point of law. A supplement of four pages, half the size of the *Visitor* would be, I suppose, quite sufficient for the purpose. Would the Association guarantee all the expenses of this plan, including printing for (say) two or three months? However, I will speak to Mr. Turner, who is my co-editor and co-proprietor, as well as the printer and publisher of the *Weekly Visitor*, and I will let you know what he thinks of the matter."

A guarantee of £10 was given to Mr. Turner, and the title recommended was the *Stoke-on-Trent Narrative of Current Events and Potteries Advertiser*. Charles Dickens's title was copied in order to put the legal case on the same basis as the *Household Narrative*, with the one difference, the publication in the middle of the month.

The first number of the *Stoke Narrative* was dated Saturday, February 14, 1852, but came out a few days later. We took care that the Inland Revenue should be aware of the fact, and got Mr. Turner to send a handbill of it to their solicitor. Mr. Timm lost no time in informing him that in publishing the *Stoke Narrative* on any but the days prescribed in 60 Geo. III. cap. 9, sec. 4, he was rendering himself liable to a fine of £20. Mr. Turner replied that he believed the paper was not illegal, that he should give it up if he were convicted by a jury, but not till then. Mr. Ashurst, by our desire, wrote to Mr. Timm that he was ready to accept service of any process he might issue against Mr. Turner.

¹ This letter was entitled "Law for the Rich and Law for the Poor"; written to show that when bad laws were made to oppress the poor, the way to get them repealed was to enforce them against the rich.

The Solicitor of Inland Revenue, however, ingeniously pleaded want of instructions. The *Stoke Narrative* accordingly continued to appear, and Frank Grant obligingly printed in it our manifestoes, and replies to adverse criticism on our aggressive policy. Finally all danger of prosecution for a *bonâ fide* monthly paper was removed, when the Attorney-General, Sir Frederick Thesiger, stated, in reply to Mr. Scholefield, that the Government did not intend to file an information, because there had been no evasion of duty. But having delivered himself in this judicious manner he went on to announce that proceedings would be taken in Scotland against the *Dunfermline News*, which had resorted to the contrivance of publishing the same paper, under a different title, in the middle of the month.

While we, who were not journalists either by profession or by inclination, had been exerting ourselves to manufacture a newspaper in order "to try the question," here was the very thing we wanted four hundred miles off, requiring no subvention from us, but supported by the people of the neighbourhood. It had come out for more than three years on every fourth Friday, and therefore in contravention of the 60 George III., but without a thought of defying the Stamp Office at Cupar, the county town where the Stamp Office received its Advertisement Duty every month; neither party asking what was the day of the month, the patent reason for the interval of publication (twenty-eight days) being that Friday was the working-class pay day. It was accompanied at the distance of a fortnight by the *Dunfermline Register*, which belonged to a different proprietor, but was printed by the same printer, at Edinburgh, and was sold at Dunfermline by the proprietor of the *News*. All these papers set at defiance Section 4 of the 60 George III. Whether the *News* and the *Register* were two papers or one was a question of fact. The existence of the *Register* was from the first announced to the Stamp Office at Cupar, and its difference from the *News* explained.

The *Stoke Narrative* was a paper for the people edited by a young man of education and of public spirit. It never offended against good taste, but it did not become an organ for the neighbours to confer with, and to express their various views in. The *Dunfermline News* did what every newspaper professes to do, but so few

succeed in doing. It really supplied a want; that of a means by which people living in the same town might communicate their thoughts to each other, about their civic affairs, their common institutions and their differences in religion, politics, manners, and art.

There were other newspapers in Dunfermline, all unstamped and monthly, but neither in Scotland nor in England was there any newspaper like the *Dunfermline News*. Let us take a single number, the one for January 23, 1852. Page 1 (there were only four pages, but they were of goodly and not inconvenient size) contains three advertisements. Then comes half a column of continental news selected from *The Times* carefully. As one instance, we give the following :—

“ M. Guizot and Count Molé received an intimation, that if they should express a desire to become Senators, Louis Napoleon would have great pleasure in nominating them; but neither of them has expressed such a desire.”

Then comes a long report of the loss of the *Amazon* : then three and a half columns respecting the visit of John Benjamin Smith, then M.P. for Dunfermline, to his constituents. Then an article complaining of ecclesiastical demands on the people's purses; then an account of the Handsel Monday (New Year) festivities. The third page is enlivened by a lecture on Botany, in which a protest is made against the scientific names given to flowers, saying :—

“ Can any one believe that if the Daisy, or the Marguerite, had been called Caradacassia or Chlodovigia it would have been sung by knightly troubadours and minstrels in every corner of feudal Europe? ”

Then come four reports of Town Council meetings; then two and a half columns of an important jury trial in the town; then reports of the sheriff's-court and police-court. Then come a few satirical remarks supposed to be uttered by *Punch's* dog “ Toby,” and much appreciated under the name of “ Toby's Column.” Then comes a selection of “ occurrences and remarks thereon,” including interesting particulars about justice in California, the progress of centralisation in England, the military strength of the United States, and the mode of fighting of the Kaffirs at the Cape of Good Hope; the whole winding up with the state of the markets in London, Glasgow, and Edinburgh; all for the price of one penny.

Besides all this the *Dunfermline News* enjoyed that liberty of spelling which is guaranteed by the use (natural or affected) of the Scottish dialect, under cover of which many persons, whose sterling sense was not accompanied by literary culture, brought in valuable contributions, so that the mixture of Attic salt and Doric simplicity formed a very uncommon combination.

No such paper as this was published in England. No such paper could have been published there without a stamp.

The contrast between the *Dunfermline News* and any English class publication shows at a glance what the Inland Revenue meant by that term, and why they exempted it from Stamp Duty. It did not compete with the stamped newspaper. Had such a monthly paper as the *Dunfermline News* been attempted in England it would soon have attracted the attention of some rival. A copy would have been sent to Mr. Timm, and it would not have been a mere "Record of Progress" that he would have objected to. He would have seen that the *Dunfermline News*, though strongly Radical, did not confine itself to the consideration of the Suffrage, but that its interest extended to everything in the town, in the county, in Great Britain, and in the habitable world; that it made it its business, as a journal, to seek out all the information its readers would desire to obtain; that its readers were the people of the locality, not the adherents of some particular creed in religion, politics, or art. Against such an infringement of the taxed monopoly of those who paid Stamp Duty, and "gave security to their Queen and country," Messrs. Timm and Keogh would have felt it their duty to put the law in force. But no such rival existed in Dunfermline.

On December 19th appeared the *Dunfermline Record*. It professed to be a journal for the people, but said nothing about any other paper except the *Dunfermline Advertiser*, with which it certainly had no connection. The *Record*, too, was printed by Messrs. Land at Edinburgh, and sold at Dunfermline by the proprietor of the *News*. But it was very soon given up; we doubt whether a second number was brought out. The *Register* issued nine monthly numbers, and was given up in the autumn, when the inconvenience of tramping about the villages to sell it made it unprofitable, especially as the

public did not, like the Attorney-General, consider it as the same paper as the *News*.

The most amusing part of the affair was that though one rather threatening letter was sent from the Edinburgh Stamp Office to the printer respecting the *News*, the only point referred to was the penalty of £20 for not observing the rule in Section 4 of the 60 George III. cap. 9—namely, that a monthly newspaper should appear on one of five days specified. On the same day the proprietor of the *News* received the April number of the *Stoke Narrative*, in which we invited country papers to “try the question,” and to expect our assistance, and at once communicate with us. We then instructed Messrs. Ashurst to accept service for Messrs. Land, and made the case known to our friends in Parliament. Mr. Hume promptly proceeded to question the Attorney-General, who replied that nothing was known at Somerset House of any proceedings instituted or threatened, and no such proceedings could be taken without the authority of the head office. When, however, Mr. Hume produced a letter from the Scotch Board of Inland Revenue threatening Messrs. Land with a subpoena unless the information was given in six days, Sir F. Thesiger airily remarked that he had given Mr. Hume all the information he possessed. No proceedings were taken, and though, as already mentioned, the *Register* expired, the *News* was left free to appear on occasion at an interval of twenty-one days.

By the *Stoke Narrative* and the *Dunfermline News* we established as a matter of fact that Section 4 was not in force. If we could induce four publishers to set up a monthly paper each, we could get for the town where they were published the benefit of a weekly paper; each recording the events of the week preceding publication. Better still could we do this if we could find four monthly papers already existing which would agree to come out on the necessary days. There were four monthly papers at Dunfermline with which we might hope to do this. Their four publishers were essential. If two monthly papers could be identified as one, our scheme would break down. In this state matters remained for another year.

CHAPTER X

DEPUTATION TO LORD DERBY—BARON PARKE ON THE " POTTERIES FREE PRESS "

THE year 1852 was not, like 1851, a blank for us in the House of Commons; still less was it one elsewhere, as we have already shown. We held our annual meeting at a very critical time. On December 22, 1851, Lord Palmerston had been dismissed for giving his approbation to the *Coup d'État* of Louis Napoleon. On February 20, 1852, Lord John Russell having brought forward a proposal for a local Militia, Lord Palmerston moved that it should be a general one. Lord John was defeated by 136 to 125, and thereupon resigned.

It was understood at the meeting that Lord Derby, then aged fifty-three, would be Prime Minister, and that Mr. Disraeli, then in his forty-seventh year, would be Chancellor of the Exchequer. Douglas Jerrold had said of him, in a letter read to the meeting, that he had ink in his veins, and he hoped he would stand by his order. We felt bound to put our case before him, and we did so in the form of a memorial.

We got nothing from Mr. Disraeli while he was in office, but he did nothing to annoy us. He allowed the Attorney-General to talk as he pleased about obtaining a reversal of the judgment on the *Household Narrative*, and, till that operation should have been performed or abandoned, to permit the violation of the law so long as the Revenue was not defrauded. By the kindness of Mr. Scholefield, we obtained an interview with Sir Frederick Thesiger, and laid before him an analysis of the various breaches of the law committed by weekly and monthly papers, with the tacit sanction of the Board of Inland Revenue. Sir Frederick said to Mr. Novello and our Secretary when they waited on him :—

" I suppose you want me to prosecute all these papers, but it is really not my duty to take any notice of them, or to be cognisant of their existence, unless I am called upon for advice or action by the Board of Inland Revenue."

This indifferentism kept things dull, but it saved our funds for the more stirring times which were to come.

Mr. Disraeli brought forward his first Budget on April 30, 1852. But on April 22nd Mr. Milner-Gibson had renewed his appeal for the three Resolutions against the Taxes on Knowledge. He drew up the Resolution in favour of the Repeal of the Duty on Paper in such a way as to make it clear that it implied no immediate action, and he explained orally to the House that his interpretation of it was that "it only asked the House to pass its opinion that the Duty on Paper was such as ought not to be considered part of their permanent system of taxation." Mr. Disraeli was in a difficult position. Having, when posing as a Radical, failed to make any impression in favour of the Repeal of the Taxes on Knowledge, he was called upon by those whom he had left to make this Repeal his first action as a Conservative Chancellor of the Exchequer. However, he was equal to the occasion. He admitted having formerly voted with Mr. Milner-Gibson because he would much rather have relieved the country of the Paper, Advertisement, and Stamp Duties, than have assented to the measures of Sir Charles Wood. He experienced no regret for having taken that position. But there was the Revenue to be considered. Mr. Disraeli said :—

"The right hon. gentleman has brought forward a motion which, if agreed to, would reduce the revenue by a sum now approaching to nearly £1,500,000 annually, because all those items to which he has referred are on the increase. I do not pretend to give the House accurate figures; but as upon these three heads the revenue is increasing the motion of the right hon. gentleman is one of much too serious a character to be at once assented to at this particular moment by the Minister of Finance."

The debate was adjourned with the complete approval of Mr. Cobden, though Mr. Disraeli warned the House that all he had promised was "to make a financial statement to-morrow week." It was resumed after the production of the Budget, which merely appropriated a part of the last year's surplus, and continued, for a limited period, the Income Tax and the two Acts for Stamp Duties in Ireland. The votes were—for the repeal of the Paper Duty 107, against 195 (majority 88); for the repeal of the Stamp Duty 100, against 199 (majority 99); for the repeal of the Advertisement Duty 116, against 181 (majority 65).

On the 1st of July Parliament was dissolved, and we promptly addressed the electors on behalf of the cause. We also recommended the Southwark constituency to vote against Mr. Scovell because he had not made up his mind to repeal the Stamp and Advertisement Duties. He demurred to the charge, but we proved it conclusively. The manifesto to the electors of Southwark was the last paper Francis Place signed as our Treasurer. When I took the paper to him at Temple Lodge, Hammersmith, to sign, and the copy of the *Daily News* with the report of what Mr. Scovell had said, he told me he must verify it by taking it upstairs to his daughter for her to read, as he could not longer trust to his own sight. He came down satisfied and signed. On September 27th he resigned the office of Treasurer, and accepted that of Vice-President. The office of sub-Treasurer was abolished. Mr. Novello accepted the office of Treasurer, and continued to fill it most effectively till the Paper Duty was repealed; advancing without stint whatever money was required, and also subscribing handsomely. I went with him to Manchester, and we held a most successful meeting at Newall's Buildings, formerly the headquarters of the Anti-Corn-Law League. An Association was formed to co-operate with us, having as its committee Salis Schwabe, Abel Heywood, Alexander Ireland, Henry Rawson, R. N. Phillips, S. Lees, and James Sidebottom, R.N.

Lord John Russell having promised at Perth to listen to every complaint and to consider every grievance, we drew up a draft address to him. It was never presented, however, in consequence of the trenchant objections of Mr. Joseph Hume. He wrote :—

"When I look back to the deputation that attended Lord John Russell, of which you were one, and heard his declaration that he considered the repeal of these taxes as only a question of revenue, and yet, after the evidence before the committee on that subject, refused to do anything towards the objects which the Association have in view when he had the power, I must protest altogether against the Association demeaning themselves to ask Lord John's assistance, now that he is out of power, and cannot do anything to aid us in the struggle. He will make professions, I dare say, but I should consider them hollow and valueless.

"I consider Lord John as *not sincere* as a Reformer, both *civil* and *religious*; and, after the speech on my motion for Reform in 1850, and his do-nothing policy afterwards, when he could have acted and could have kept the Reformers together, and have kept the Tories out of power, I would not pay him the compliment that

you propose. I wish I could look on his speech at Perth as honest and sincere, which I do not; and I therefore object to the Association demeaning itself by the course you propose. We shall certainly succeed, but it will be against both the *Whigs* and *Tories*; and I would hold both parties cheap in regard to their assistance.

"All the *Whigs* deprecate in words the fettering of the Press; and yet, with power in their hands, *they have pertinaciously refused to knock off any one link of the enslaving chain* that prevents the spread of knowledge and the education of the nation.

"I hope that Mr. Cobden and other members will agree with me, and that you will keep a high hand, and set the two great oppressing parties at a distance."

Rather taken aback by this letter, we issued, instead of the address to Lord John, another founded on his speech to the Liberal members of the House of Commons. An Autumn Session was a matter of course, and Parliament assembled on the 4th of November. In anticipation of the Budget, which was produced at this unusual time as a disclaimer of Protection, we resolved to hold a meeting in Exeter Hall. The usual resolutions were moved and carried with an addition inserted at the instance of Mr. Rogers and Mr. Charles Murray, as slightly modified by Mr. Milner-Gibson, denouncing the Security System. They had come to me and asked me to get it interpolated in the resolution condemning the Taxes on Knowledge. Otherwise, they said, they must move it themselves. They really tried to persuade me to do this as they were quite in harmony with all that we did mean to do, and they seemed to think it very unreasonable in me to refuse their request. But I saw in an instant what an advantage it would be to us to have this demand enforced upon us from the outside. So, keeping my own counsel, I promised to take care that they should have their opportunity to speak. Then I quietly suggested to Mr. Milner-Gibson that, after they had moved their *addendum*, he should propose to incorporate it in the Resolution. Mr. Milner-Gibson immediately entered into my idea, and carried it out in a most judicious and energetic manner. I did not tell those most fortunate interlopers that I was a party to the arrangement. Some thirty-five years afterwards I met Mr. Charles Murray, and communicated to him this "news."

This meeting was a very important one, and the aid given so unexpectedly by Mr. Rogers and Mr. Charles Murray was a valuable contribution to it. The Security System, as designed by Lords Sidmouth and Castlereagh, embraced the whole of the then existing weekly publica-

tions; for there were then, it would appear, no weekly publications that were big enough to escape it. But the Stamp Office early took its line, and determined to require security from every paper from which they required the Stamp Duty, and from no others. We have seen how this gradually worked out. After 1836 anything might be published unsecured and unstamped, if it did not compete with the stamped newspapers. The Security System, if carried on after the repeal of the Stamp, would be a protection to the old newspapers by increasing the difficulty of establishing new ones, but it would not prevent poor people from buying newspapers. These they might get for a penny or even for a halfpenny.

The 60 George III. cap. 9, by its abeyance, therefore, was not disagreeable to existing newspapers, although in the reign of William IV. the securities had been made liable, not only for that sedition and blasphemy which were supposed to be the natural vocation of newspapers, but for libel against individuals, who were more likely than the Government to appeal to the law. Many persons, who were not afraid of the people acquiring too much knowledge or too much power, looked on the Security System as a protection to private individuals against libel. Meanwhile one or two stamped newspapers, which had given security, appeared to make the publication of libels profitable, perhaps in more ways than one; and every now and then a disreputable unstamped sheet was set up, and either was suppressed by a private prosecution or failed for want of encouragement, after filing a copy every week at the Stamp Office and paying its Advertisement Duty.

From the first we had opposed the Security System, by demanding "the exemption of the Press from all taxation and its emancipation from all control except that of a court of law." To this statement we had in our first circular appended the names and amounts of the four taxes; concluding:—

"In addition to these burdens, the proprietor of a newspaper is bound to give security to pay any damages that may have been awarded against him in case of libel—a system which seems to infer that to publish a newspaper is of itself evidence of an intention to break the law."

All this we had repeatedly reiterated; but never in report or in petition had we entered into the details of Section 8 of 60 George III. cap. 9. At our first two

public meetings we had avoided confusing the mind of the public by adding anything to the three taxes, which we had been told were so different in their character that they could not be logically opposed together.

In obedience to the third resolution passed at this meeting, a deputation, introduced by Mr. Milner-Gibson, waited on Lord Derby to present an address from the Association. This document dwelt on the evils of the law, and Mr. Milner-Gibson declared that the present was a fitting opportunity for bringing forward this question, since the Attorney-General had given notice of a Bill for amending the Stamp Act. Lord Derby, though rather sceptical as to Mr. Hume's statement that the repeal of the Advertisement Duty would in no way diminish the Revenue, expressed himself very cordially towards us :—

" There was one point upon which he was quite clear—viz., that the law upon this subject, as it at present stood, was not in a satisfactory position, and that *whatever the law was, it ought undoubtedly to be simple, and it ought to be enforced.* He thought the present Government had shown no inclination to discourage the dissemination of knowledge. The question of these various taxes—*more particularly the Advertisement Duty*—was already under their notice, although, from financial considerations they had been precluded at the present moment from dealing with it. He was prepared, however, to admit, and this without undervaluing the importance of the subject, that the present Advertisement Duty was of an objectionable character; and he would say that if it were possible, consistently with a due regard to the financial state of the country, to reduce or repeal it, one course or the other would meet with the recommendation of Government. The subject was one of great importance, and it would receive every attention from himself and his colleagues."

However, the days of Lord Derby's Ministry were numbered. Mr. Disraeli, having produced his Budget, was defeated on a proposal to increase the house tax by a majority of 19 (ayes 286, noes 305), and the Government resigned. We were not sorry, as we had been annoyed by the unnecessary retention of the Stamp and Advertisement Duties.

The decision in the case of the *Household Narrative* appeared to us to be such as to justify not only the publication of newspapers without a stamp at intervals exceeding twenty-six days, but even the publication of many papers published weekly, or even daily, which stamped every copy. We resolved to take the opinion of Sir Alexander Cockburn on this subject, and, should this opinion be favourable, to communicate it to all the

newspapers concerned, as well as to inquire into their willingness to try the question at the expense of the Association. This was on December 20, 1852. But the next meeting recorded in the minute book is dated February 2, 1853. Lord Aberdeen had succeeded Lord Derby, and Lord John Russell, Sir Charles Wood, Sir James Graham, and Mr. Gladstone, being included in the new Ministry, had to seek re-election.

The Committee decided to endeavour, so far as they could, to exercise some influence upon the constituents of the new Ministry to obtain from them some promise of acceptance of the views of the Association. A meeting of citizens of London was held accordingly at the Guildhall Coffee House, and agreed to an Address to Lord John Russell, in which they hoped that he would fulfil the hopes which he had excited by his speech at Perth. On December 31, 1852, Lord John received them at the Foreign Office. Mr. Bennoch, then well known for his writings on the Currency, took the lead, supported by Mr. Ashurst and Mr. Novello. As Secretary for Foreign Affairs, Lord John was less able than ever to fix the date of any good time coming.

This deputation, though reported in the Press, was not reported in the Minute Book of the Committee, who, on December 27th, had started the Secretary on a tour to the North, and appears not to have met at the office (where he resided) during his absence.

Sir James Graham had to stand for Carlisle, and the Secretary's visit there, not to canvas for the new Lord of the Admiralty, but to induce the electors to pledge him to the repeal of the Newspaper Stamp, excited some irritation. His "coming down on the heels of the writ" was attributed by a correspondent of the *Carlisle Journal* to an understanding with the Carlton Club, who alone, he averred, could have afforded the "ten pounds" which the journey from London to Carlisle (third class) must have cost. However, this pleasing fable was soon refuted by Mr. Bowman, our local representative, and by myself. I remarked that if I charged our Committee £10 for my journey to Carlisle, I should make a very good thing out of it, instead of losing my time without remuneration as I was doing.

Having now carried on the *Stoke Monthly Narrative* for twelve months without let or hindrance, we determined to avail ourselves of the never-tiring labours of

our good friend, Frank Grant, to celebrate its anniversary by taking a further step. The twelfth and last number was issued January 15, 1853, and in it appeared an announcement that it would be published once a week, beginning on February 12th. On the 2nd, the Committee voted £38 for printing at Stoke, of which £9 was for 5,000 copies of the *Monthly Narrative* and £20 in advance for the *Stoke Free Press*. Under the title of the *Potteries Free Press* it duly appeared on February 12th, under the editorship of Frank Grant, who had been the editor of the *Stoke Monthly Narrative*. My expenses were at first guaranteed for a month at least, but this resolution was rescinded at the instance of Mr. Milner-Gibson, on the ground that the Association ought not to be identified with a weekly newspaper. However, he gave a handsome subscription, and Mr. Novello started the business part of it by a number of advertisements of his music, which were not likely to bring customers from the readers of a penny paper.

The first number of the *Potteries Free Press* contained, like the *Monthly Narrative*, a gazette of our movement, and when, in March, we began to republish this gazette by itself every month, the *Free Press* reported it. I also gave vent to a civil sort of defiance directed at the Inland Revenue, saying :—

"I am desirous of ascertaining, by experiment, 'What is news?' You will probably recollect that in 1851 Mr. Cobden endeavoured to elicit from your solicitor a solution of this riddle, and that Mr. Rich, then a Lord of the Treasury, suggested that the only way to solve any legal question was by violating the alleged law, and taking the chance of a decision before the courts."

In No. 4 of the *Potteries Free Press* the editor expressed his surprise, and "a slight degree of disappointment" that it had been allowed to exist for a month without notice from the Stamp Office, but observed that a successful prosecution might be as embarrassing to the Government as an unsuccessful one, and that it was perhaps thought more prudent to let it alone. Or perhaps the Stamp Office thought it would die a natural death. But No. 6 reported that on March 17th Mr. Edward Truelove had appeared at Bow Street to answer to an information laid by the Commissioners of Inland Revenue for selling a copy of the *Potteries Free Press*, whereby he had incurred a penalty of £20. The magistrate, Mr. Henry, gave judgment against him, on the ground that whereas the

Athenæum and *Builder* confined themselves to class subjects, the *Potteries Free Press* was obviously published for the purpose of relating events generally. On the ground, however, that Mr. Truelove was not the proprietor of the paper, Mr. Henry mitigated the penalty to £5. Mr. Truelove at once entered into recognizances to appeal to the Quarter Sessions.

But this appeal was superseded. The people of Stoke-on-Trent petitioned Parliament, their member, Mr. Lewis Ricardo, exerted himself, and, through his intervention, the Attorney-General consented to prosecute the paper in the Court of Exchequer on condition of its being given up in the meantime. The publication therefore ceased without containing any notice of its cessation, reaching its eleventh and final number on April 23, 1853. The trial took place on May 13th at Westminster Hall. The Attorney-General, Sir A. Cockburn, and Mr. Phinn were counsel for the Crown. Mr. Collet defended himself in person. The defendant was in this peculiar difficulty. He had to defend a publication which, by the Act of Parliament which he had been for three years urging the Stamp Office to enforce, was illegal. His defence was, of necessity, that in his previous opinion he was wrong, and that in disregarding his demand for the prosecution of the *Athenæum*, the *Builder*, and the *Racing Times* the Commissioners of Inland Revenue were right. In his address to these commissioners he had "put himself upon the country" to show that those three papers were as much newspapers liable to stamp as the *Potteries Free Press*. But what he was on his trial for was the publishing of a newspaper without a stamp. All he could obtain from an upright judge would be a decision that the Board of Inland Revenue was wrong in its practice. Hence he was not surprised when, after Baron Parke had set aside all evidence as to the practice of the Board of Inland Revenue as irrelevant, the words of the Act alone constituting the law, the verdict went against him.

In his very lucid charge Baron Parke said :—

"Now the defendant defends himself from this charge on three grounds. In the first place he has stated that the Board of Inland Revenue has been in the habit of considering other publications which cannot be said to contain less news than this newspaper—he says they have been in the habit of treating them not as newspapers, and that it is a hard case for him to be prosecuted when the Board of Inland Revenue leave so many cases unprosecuted in which

similar matters have been published. *Now we have nothing to do with that.* The Board of Inland Revenue are a part of the Executive Government of the country, and they enforce the penalties of the law against such publications as they think proper. If they choose to deal more leniently with some than with others, it is no affair of ours. We have nothing to do with the matter that they choose to call upon some persons and not on others. The only point for us to consider is whether the law has been violated or not.

"The second ground of the defence was that no notice had been given to defendant under Sections 24 and 25.

"The third ground was (said Baron Parke) that the *Potteries Free Press* was not a newspaper within the Act of Parliament."

This was not exactly what the defendant contended. He contended that the Act was to be interpreted by the practice of the Board of Inland Revenue, and that this doctrine was recognised by the decision of the Court in rejecting the syllogism founded on the first clause of the schedule.

Baron Parke.—"I am clearly of opinion that he (defendant) is not entitled to the notice, because I am clearly of opinion that he is not in possession of a printing press within the meaning of the 24th section."

A glance at the 24th section is sufficient to show that in this opinion Baron Parke was perfectly right. It was the only ground on which the defence was not ironical. Defendant had erroneously supposed that, since as the director of the printing he might be made liable for the penalties, so likewise he was entitled to the privileges of the printer. If Mr. Turner had given the notice to the Stamp Office he would have been entitled to a notice from the Stamp Office, but the absence of such notice would have been no excuse for Mr. Truelove or Mr. Collet :—

Baron Parke continuing.—"I am also of opinion that it is no excuse to him in point of law that any other publication has been passed over, which may approximate more or less to the present publication, by the Commissioners of Stamps; I am of opinion that, if he knowingly published this paper as a newspaper he is guilty of knowingly and wilfully publishing a newspaper within the meaning of the Act. I am clearly of opinion that if the paper contains public news, intelligence, or occurrences, or remarks or observations thereon, it is a newspaper within the meaning of the Act."

The jury returned a verdict for the Crown after a short deliberation, but the Attorney-General intimated that, it being understood that the paper would not be continued, the penalties would not be enforced.

A more complete condemnation, in point of law, of

the course into which the legislature of 1836 had misled the Board of Inland Revenue could not have been given than was thus given by Baron Parke. Their treatment of the *Potteries Free Press* by the Stamp Office appears to have been inspired all through by an evil genius. Taught by experience that a notice of its illegality would have no effect; challenged from the first to subject the paper to the decision of a court of law; they allowed four numbers to be issued before they took proceedings, and then they summoned, not the printer at Stoke, nor the proprietor in London, but a vendor in London. The difficulties of the position they had got into were such that they could neither act nor abstain from acting without incurring just censure. To strike terror they should have bought 100 copies at Stoke, and summoned the printer before a Justice of the Peace for a fine of £2,000, a fine with which they had threatened the *Wakefield Examiner* for a merely accidental offence. If they wished to invoke the law they should have accepted the offer of Messrs. Ashurst to accept service of any process they might issue against the proprietor in London, and as he had given them early notice it would have been good manners to send word to him that, though he had been allowed to publish a monthly narrative for twelve months, he would really be prosecuted if he continued his experiment of a weekly one. They preferred to set upon a vendor in London, where the sale was not great, and to bring him before a magistrate, from whose decision he could appeal only to the Quarter Sessions, the *certiorari* having been taken away by the statute, so that he could not appeal to the Courts at Westminster. They thus gave out to the country that they were afraid of a judgment in the Exchequer, and were prosecuting a paper which might, after all, be, like the *Household Narrative*, acquitted of illegality. Then, compelled by superior authority to enter on the trial to which they had been invited, they displayed a generous lenity which, if exercised in the first instance, would have given them the credit of firmness in vindicating their own views, without the appearance of any superfluous severity. The *Household Narrative* was allowed to be published for all the many months that the trial was pending. The *Potteries Free Press* was stopped on the condition of its receiving the fair trial which was at last conceded to it.

If it had been prosecuted at first it might have been suppressed at the fifth number instead of continuing to the eleventh. The first number of our *Gazette*, published in the beginning of March, had announced that the paper would be given up so soon as the verdict of a jury should have condemned it, adding that "to require any man to accept the dictates of the Stamp Office instead of the judgment of a regular court of law, would be to violate not merely the freedom of the Press, but the British Constitution."

An instance of the courtesy they were quite ready to display to any who had personal intercourse with them occurred just before the trial. I met Mr. Erevacher, head clerk to the Solicitor of Inland Revenue, to strike the panel of the jury; that is, to reduce the number of names on the list to the twelve "for which justice has a peculiar predilection." At the head of the list was the name of Mr. Milner-Gibson, and Mr. Erevacher said that if *I* would promise that he would attend, *he* would not strike him off the list. I could make no such promise. Certainly, had Mr. Milner-Gibson been one of the jury, he must have found a verdict for the Crown; but he would probably have proposed, as a rider to that verdict, a censure on the practice of the Board of Inland Revenue. But from a legal point of view no censure could have been more severe than that of Baron Parke, which shattered into atoms the *non ejusdem generis* of the Bow Street magistrate. Baron Parke's judgment cleared the air for us.

CHAPTER XI

THE ADVERTISEMENT DUTY REPEALED

A CHANGE of Government was for us always a signal to begin everything over again, and to go through the history of the Taxes on Knowledge from Queen Anne's time up to date. The death of Queen Anne is generally regarded as a supereminently well established fact. But we felt it impossible to admit it into our creed. Our first business with a new Prime Minister was to disabuse him of this popular error. It was the Prime Minister, not the Chancellor of the Exchequer, to whom we made our most fervent appeals. For we did not admit that the Taxes on Knowledge were invented for the purpose of revenue, and we thought that a Prime Minister ought to rise above the accidental circumstance that the Stamp and Advertisement duties at least appeared to bring money to the revenue. We had addressed Lord John Russell and Lord Derby, and had received some encouragement from each of them. We had not addressed Sir Charles Wood, and we had addressed Mr. Disraeli to little purpose. From Lord Derby we had obtained the admissions we had sought, that the stamp law ought to be defined and ought to be enforced, and that the Advertisement Duty ought to be repealed.

At this time we had no reason to look to Mr. Gladstone as particularly inclined to befriend our cause. Lord Aberdeen had been connected with Lord Castlereagh, but this was in his (Lord Aberdeen's) capacity of Ambassador to Vienna, and not in that of a Cabinet Minister, a position which he attained in 1828, as Secretary for Foreign Affairs. Lord Aberdeen became First Lord of the Treasury in December, 1852. It was not until the 6th of the following April that our Committee held a special meeting to consider an address to him. It was ultimately adopted, after a good deal of rhetoric had disappeared in consequence of a judicious remonstrance from Mr. Cobden. He wrote :—

"I shall not be able to be present on Wednesday, and I merely write to say that I hope in any observations you may address to Lord Aberdeen you will not take a tone inconsistent with that very moderate and humble position which we really occupy in the world at the present moment. With the influential part of the Press against us, with the people apathetic, with all kinds of agitation choked with the big loaf, it would be only acting the part of Bobadil if we were to assume an unbecoming tone of swagger or defiance.

"Make out your case as strongly as you can on the grounds of justice, education, and morality; but don't assume too strongly on the part of the public a sense of *grievance*, of which there is really but little evidence, and, above all, don't breathe a syllable of menace or defiance."

On the 14th of April, Mr. Milner-Gibson again brought the three principal Taxes on Knowledge before the House of Commons. Previously, the Paper Duty had been the subject of the first resolution, and the Advertisement Duty of the last. Now they changed places. In 1850 there had been three associations, one for the repeal of the Advertisement Duty, a new one for that of the Paper Duty, and our own, which in its personality and its objects was a revival of that in 1834 of Francis Place and Mr. Roebuck for the repeal of the penny stamp. But under the advice of the old members, the new men demanded the repeal of all the three taxes. The Advertisement Society did not amalgamate with ours. For this their best man, Mr. John Francis, afterwards accounted in a very sufficient manner. He said, "I could not join you, because you were always calling on the Government to prosecute the *Athenæum*." Mr. Francis was the publisher of the *Athenæum*. But he was not its proprietor. It would have been too much for a paper to solicit the Government to deprive it of all those advantages so capriciously bestowed on the non-political and the semi-political portions of the Press. But the *Athenæum* was amongst the very first and the most constant friends of our cause; and it always understood the facility which accrued to the repeal of the Advertisement Duty from its comparatively small amount. The Paper Society we had beaten out of the field. Paper now took the last place in the resolutions, as it was destined to do in the repeals. The Advertisement Duty stood first as being one for which no argument was possible. Lord Derby and Mr. Disraeli had given up the duty, and their aid was manifest in the division—200 for repeal, 169 against it. In 1852 it

had been 116 for repeal and 181 against. Mr. Gladstone had not bettered the position of the Government by moving the previous question.

Mr. Gladstone did not accept the resolution of the House in favour of the repeal of the Advertisement Duty. Four days later, on bringing in his Budget, he proposed to reduce it from 1s. 6d. to 6d.; and he combined this reduction with an exemption from Stamp Duty of supplements containing advertisements. He said :—

“ You want to have a large increase in the number of advertisements, but if so you must take care that you do not subject the people to taxation of another kind. Look at the case of *The Times*. *The Times* is obliged to limit its advertisements. We will not go into the calculation now, but there is a point in connection with the penny and halfpenny stamp when the advertisements do not pay *The Times* the cost of the supplement, and therefore they are obliged to limit the supply and stop the circulation. What we propose is to reduce the duty on advertisements to sixpence. Instead of taking off the remainder of the duty on advertisements, instead of repealing altogether the penny stamp on the newspaper, and the halfpenny stamp on the supplement, I venture to say that the plan which we propose is far more sure, besides being far more beneficial to the revenue—is one which is far more sure to secure to the advertiser the benefit of the reduction than the plan which you propose; because if you remove the duty altogether, when advertisements come in they must be liable to a very heavy stamp duty, which would be exceedingly discouraging to the printing of supplements.

“ The loss upon the Advertisement Duty and upon the stamp on supplements will be £160,000.”

If *The Times* had been the only newspaper in which advertisements could be inserted, this reasoning would have been correct. It was very natural for Mr. Mowbray Morris to ignore all newspapers except *The Times*, but this was not a judicious proceeding from a Chancellor of the Exchequer.

On this subject we received the following letter from Mr. Cobden :—

“ I suppose you have seen that the Chancellor of the Exchequer now shifts his ground and talks of allowing a supplement to be sold unstamped containing advertisements *and* news. This will be reversing the *ad valorem* principle with a vengeance, and charging only the same tax upon two large sheets as upon one small one. It will create a few big papers throughout the country, and destroy all chance of competition on the part of the second- and third-class journals. What should we say if it was proposed to lay the same tax upon all tablecloths and napkins? The latter would soon cease to be manufactured.

“ Yet I am afraid the majority of the provincial Press, endangered by this scheme, do not see their danger.”

Mr. Gladstone's first and most characteristic Budget was the prelude to his entering into all our views, although his resignation of office in 1855 compelled us to wait fourteen years more for the repeal of the Security System which he had included in his Bill for the repeal of the Newspaper Stamp. In the end the Advertisement Duty was abandoned. The rule about supplements was altered. No discrimination was made as to their contents, but a considerable exemption was allowed to large-sized newspapers. On the 1st of July, Mr. Gladstone brought forward that part of the Inland Revenue Bill which dealt with the Advertisement Duty. Mr. Milner-Gibson moved an amendment for repeal in accordance with the previous resolution of the House. He complained strongly of the form in which the duty was to be imposed, saying that there was no intention of carrying it into effect. This Mr. Gladstone denied, and, after a stirring debate, there were 99 for the amendment, and 109 for the duty, or rather for the Government, for out of the 109 votes 26 were those of place-men, of whom only 9 had voted against the repeal of the duty before that session.

Then Mr. Milner-Gibson produced a little surprise, which had been for some days in our possession. It was a letter from a Dublin bookseller complaining that the Dublin Stamp Office had been inspired by the retention of the old phraseology in the Bill to demand the duty on advertisements in books. Mr. Gladstone agreed to insert "periodical" so as to qualify "literary work." By this time half the members had gone off to their dinners or to a ball at Buckingham Palace. Mr. Craufurd seized the occasion, and moved an amendment, without notice, to substitute for the word "sixpence" the word "nought."

The motion required two divisions, on the first of which the Government was defeated by 68 to 63, and in the second by 70 against 61.

Meeting me in Piccadilly many years afterwards, Mr. Craufurd told me who had suggested this device to him. Mr. Milner-Gibson never allowed all attention to be concentrated upon himself. He was always anxious to bring others forward to take their proper part in any good work.

If the fate of the Advertisement Duty was not settled when the first amendment for repeal was rejected, no

more was it settled when it was resolved that there should be a duty at $\text{£}0 \text{ os. } 0\text{d.}$ A resolution of the House of Commons, whether in committee or otherwise, cannot repeal an Act of Parliament. Had the proceedings been dropped, the duty would have remained at eighteenpence. The matter was left in suspense for nearly three weeks. A rival tax was demanding to be repealed. Lord Robert Grosvenor's Bill for the repeal of the Attorney's Certificate Duty had been read a first time. Mr. Gladstone was willing to reduce but not to repeal this duty. The votes of April 14th and July 1st had combined to convince him that the House was opposed to the Advertisement Duty. On the latter occasion those Conservatives who had voted for repeal in April mostly absented themselves, and left it to the Radicals to deal with the "Liberal Conservative" Government. Out of 26 placemen who voted against repeal on July 1st, 3 had previously voted in its favour, 5 were new members, 9 had abstained from voting, and only 9 had voted against repeal. When, therefore, on July 20th, Lord Robert Grosvenor moved the second reading of his Attorney's Certificate Duty Repeal Bill, Mr. Gladstone moved that it be read that day six months. He said that his surplus had been reduced to something between $\text{£}50,000$ and $\text{£}100,000$, yet he was asked to repeal two taxes. This would have changed his surplus into a deficit. The question between the two duties was therefore to be decided by the defeat of Lord Robert Grosvenor's motion for the second reading of his Bill for the repeal of the duty on attorney's certificates. On this occasion Mr. Milner-Gibson, Mr. Cobden, and Mr. Bright canvassed for votes against Lord Robert's Bill.

On July 21st Mr. Gladstone announced that, in obedience to the wishes of the House, he should at once take measures for the repeal of the Advertisement Duty. He inserted a clause in the Newspaper Stamps Bill, which provided that from the passing of the Act all duties on advertisements should cease. This Act, 16 & 17 Victoria, cap. 63, sec. 3, extended by one-half the superficies which a newspaper might contain under a penny stamp; Section 5 repealed the Advertisement Duty. It received the Royal Assent on August 4, 1853, and came into effect from that day.

The permission to add to the superficies of a news-

paper without diminishing the duty on those papers which were not increased, had been justly denounced as a gift from the Treasury to the proprietors of big newspapers, of which *The Times* must have received £20,000 per annum. But beyond the actual loss to the revenue no mischief was done. The big newspapers received a bounty, but the little ones were not made worse off. The total repeal of the Advertisement Duty neutralised any ill effects of the measure, and gave encouragement to every periodical publication in the country. Those papers which would have required a stamp only under a severe refusal to permit a weekly paper unstamped which contained *any* news, began after this to become liable to stamp on account of consisting principally of advertisements. This caused them trouble at Somerset House, and put us on our mettle to find a way of protecting them.

The conundrum arising out of the decision of the case of the *Household Narrative* was not properly the subject of the Debate on the 1st of July, but it was not forgotten by the speakers, and it gave rise to a remarkable declaration on the part of Mr. Gladstone, pronounced in a very emphatic manner. He said :—

“The fiscal aspect of the Newspaper Stamp question is most insignificant.”

We do not find this sentence given verbatim by the Press, but as we heard Mr. Gladstone give to it such emphatic utterance, we at once adopted it as a motto, placed it at the head of our *Gazette*, and kept it there till the “question” was answered two years later by the repeal of the compulsory stamp. We interpreted this sentence as a confession by Mr. Gladstone that he dreaded to awaken popular intelligence. This inference was not, however, confirmed by his subsequent conduct.

Mr. Gladstone, by his official position, was responsible for the Newspaper Act which settled the question raised by the prosecution of the *Household Narrative*, but that Act was not a creation of his genius. It was not made; it grew—like Topsy. In our chapter on the Compromise of 1836 we showed how difficult it is to ascertain the objects intended by the Act 6 & 7 William IV. cap. 76, or the persons who, respectively, entertained those various objects. The Act of William certainly partakes of the nature of the Act of Anne. The object of that Act and of its successors was to find a way by

which the Government could suppress any printed matter without bringing it to trial on its merits. The words on whose interpretation so much hinged in more recent times, although contained in the first Act, had at that time no particular meaning. A narrative of the City revels of Charles II. or of the incidents of the Civil War; a criticism on Milton's "Paradise Lost," or Shakespeare's "Julius Cæsar," or an account of a *levée* held in the bedroom of a lady of quality who had no real existence, were all taxed as news; and as the ancient narrative was taxed as news so was the private or fictitious news taxed as public. Whatever was inserted in a newspaper was "news," whatever was dispersed and made public was "public news." Everything newly published by the day or the week was public news, unless it was too big, and big things were *not* published daily or weekly.

This habit of taxing everything as public news, when the object was simply to tax whatever was frequent and cheap, broke down when, in 1836, cheapness and frequency were not declared to be the objectionable and therefore taxable qualities. The 60 Geo. III. cap. 9 had put the matter in the true light by specifying the frequency, the low price, and the small size which were liable to taxation. The Act of 1836, by the second and third clauses of the schedule, re-enacted the 60 Geo. III. cap. 9, which in earlier sections it had professed to repeal. But by adding the first clause it introduced a novelty which, though at first it gave absolute power to the Stamp Office, gradually broke down the whole system. Free from the limitation of frequency, of size, and of price, it placed the legality of a publication upon whether it contained news. Hence arose two questions: what is news, and what news is public. Under Anne everything newly printed was news, and everything newly printed and made public was public news, even if it were a commentary on the character of Lilith, Adam's first wife, or an imaginary pedigree of the pre-Adamite Sultans. Under Victoria it began to be considered how long ago the events printed had taken place; and the Stamp Office itself propounded the doctrine that scandalous stories printed about private individuals, however widely dispersed and made public, did not constitute public news. This change, however, though it exempted a great deal that was formerly

taxed, did not make anything taxable which had not been so ever since the tax commenced on August 1, 1712.

There were two opinions as to whether a monthly paper full of news was a newspaper by Act of Parliament, but there was no doubt that a weekly paper was a newspaper if it contained *any* news. The Government had prosecuted the doubtful case of the *Household Narrative*; they had left untouched the indubitable case of the *Athenæum*. What were they to do, now that the decision was given! If they wished to retain a restrictive power over the Press they had to repeal the indefinite first clause in the schedule. Instead of this they repealed the third clause. With the second clause they left the first, with its arbitrary power of deciding by inspiration what was a paper liable to stamp duty, and of changing the grounds of this decision from day to day.

This Act established an exemption from Stamp Duty for all monthly papers, but it repealed constructively the exemption previously accorded to papers more than two sheets in size, or whose price was so high as sixpence. Every question of the liability of a weekly paper to Stamp Duty was relegated to the Commissioners of Stamps, and to their interpretation of the first and second clauses of the schedule. Whether a monthly paper was liable to a fine of £20 per copy, if it came out in the middle of the month, was left untouched by the new Act. But the charge of illegality in such a case was made again, though never enforced by a court of law. Whether our interpretation of the law was correct was never decided, but there was no doubt that under that interpretation we scored a practical success.

The Newspaper Act of 1853 cannot be recorded as a legislative triumph of the three administrations which effected it. It settled the monthly question, and it settled nothing else. But it was an escape from an ugly scrape. Had it defined what *was* a newspaper, instead of defining only what was not one, the Government would have been called on to enforce their new view of the law. Leaving everything to chance, they were relieved of the unpopularity in which such a course would have involved them. We expressed in no measured terms our contempt of the performance. But we did not regret it, since we foresaw a confusion and an increase of litigation by which we were sure to profit.

CHAPTER XII

DEATH OF FRANCIS PLACE—SOIREE TO MR. MILNER-GIBSON—THE "MUSICAL TIMES"—LETTER FROM LORD STANLEY

I DO not know exactly why the new position in which we found ourselves made any change in our views as to the order in which the repeals should take place, but about this time we certainly began to look with a more favourable eye on the idea of allowing the repeal of the Paper Duty to precede that of the Stamp. I think one cause of this must have been the expectation that the country was about to enter upon a war, which might postpone the repeal of the Paper Duty indefinitely.¹ A timely admonition came, however, from Mr. Cobden :—

"Now, pray, don't injure your nerves in any such unnecessary labour. If Gladstone has the surplus to bear it, he will take off the Paper Duty as a financial measure recommended by sound policy, with which he will be glad to associate his name; but I want to ask you, Mr. Collet, what excuse a Government can have that pretends to promote education in keeping on the Newspaper Stamp, with a surplus large enough to remove the Paper Duty? No, our business is with the stamp. That is not, as you know, regarded as a financial but a political question, and we must 'strain every nerve' to bring the Government and Parliament to book on that question. I approve of your plans as far as they go. I mean you are quite right in worrying the Exchequer and the Inland Revenue Board; but the way, and the only way, to bring a sufficient force of moral power to our aid and to put the *education-loving Government* in a crucible from which they never can escape, with the dross of the Taxes on Knowledge sticking to them, is by making it an education question.

"I intend to do so, and to express unmeasured contempt of the professions of those *soi-disant* educationalists who maintain the stamp.

"Read the enclosed. Here is a beautiful proof of the way in which the stamp prevents a gleam of light from entering the dark agricultural villages of this part of Sussex.

"You must not make public the contents of this letter, but return

¹ "I think we ought to strain every nerve to get the Paper Duty off this year.—C. D. COLLET."

it to me. I will have the writer's consent by and by, after he has made fresh arrangements, to use these facts. How can the hypocrites who uphold the stamp face such a statement as this, and still pretend to favour education? I have told Mitchell to write to you."

Mr. Cobden did not confine himself to giving advice. Besides being a valuable advocate, both in and out of Parliament, he was a very efficient chairman of the Financial Committee, and at no time was he more so than when he set about collecting funds to pay off the expense of the repeal of the Advertisement Duty. Thus he wrote to me :—

"You are a very cool young gentleman! To send me a printed circular to sign, without having ever shown me MS. or proof. However, I am on too good terms with you, after the luck which last session attended us, to quarrel about it, or any other liberty you may be bent on taking. But would not something like the enclosed be better? In your paper you speak of sixpenny subscriptions from working men. I never knew anything of the kind pay its expenses. The difficulty is to find honest canvassers. No; if any considerable amount be raised, it must be in good round sums; and, generally speaking, it is the same class (and not a numerous one) which gives the money for all good works. I don't see the necessity for keeping a separate account up to the end of the financial year. I mean I don't see the policy of abstaining from another appeal, even to the same parties, for subscriptions until Michaelmas. The enclosed circular is of so general a kind that it will do for the whole of next year. My proposal to double the subscription must, of course, be submitted to Mr. Novello. I don't object to any verbal alterations, or as many omissions as you like, from the enclosed; but I confess I would rather sign something like the enclosed than your circular, and remain—Truly yours,

"R. COBDEN."

This appeal eventually brought in a sum of £108 3s. 6d., and quite fulfilled our expectations. As the year drew towards a close we had to address the Chancellor of the Exchequer. On his receiving the draft of the address, we received the following letter from Mr. Cobden :—

"I have made a few trifling corrections in your letter. There is so much strength in your argument that it is a pity to weaken it by a single epithet of an offensive kind.

"You are sometimes a little too plainspoken for your clients—I mean for those in whose names you speak—and it arises probably from your not always bearing in mind that the 'Association' does not always consist of the millions who will be benefited by the repeal of the Taxes on Knowledge, but of a few men who, having themselves the advantage of seeing a daily newspaper, would wish every man in the kingdom to enjoy the same privilege. If you had for your client the 'fierce democracy'—nay, if you could only have the support of one such spontaneous meeting as we have seen supporting the Grand Turk, or Miss Cunningham (a lady arrested in Italy for distributing religious tracts)—you might then fling saucy

phrases at the head of a Chancellor of the Exchequer with consistency. But cast your eye over the subscription list of the 'Association,' and you will see how exclusively, almost, we comprise steady, sober middle-class reformers—free trade, temperance, education, peace advocates—who will stand by you from year to year, and gather about them an increasing moral power, provided you handle them judiciously, and do not place them in a position in which they think they are committed to a *tone* of agitation which does not represent their feelings. As an old master in that line, who served my seven years' apprenticeship, I must use the privilege of speaking frankly.

"The stamp is the toughest question, excepting the ballot, left for solution, and it has the special disadvantage of having the Press against it on interested grounds. Added to which is the serious drawback of wanting the enthusiastic help of the masses. A few intellectual leaders of the working class we may have, but as the millions of this country have never been habitual newspaper readers, and therefore do not feel the privation under which they labour, it is not in human nature that they should clamour for the repeal of the stamp.

"If they had never tasted bread, they would have been equally indifferent about the question of a big and little loaf. The case must be brought before Parliament and the country as an *education* question. We may shame the present Government into some concession on that plea. At all events, I am quite sure that Gibson, Bright and I can smash all opposition in argument in the House as effectually when pleading for free trade in Knowledge as when contending for commercial freedom."

The address was never presented to Mr. Gladstone as, after one postponement, he refrained, though from no motives of discourtesy, from fixing a date for us to wait on him.

The year 1854 opened with a great loss to us in the death of our Vice-President, Francis Place. We originally contemplated the postponement of the *soirée* in honour of Mr. Milner-Gibson on that account, but for some reason it was held on the original date—February 8th. Two days before this we received the following letter from Mr. Cobden:—

"I don't know what you have done to secure a *full* meeting on Wednesday, but the first and chief test of success is in the numbers attending. If you don't *sell* sufficient tickets, you ought to fill the room from the *highways* and *hedges*. I have not much faith in your plan of blending music and logic; both are good in their way, but in the agitation that I have been used to we have kept them apart. However, as on this occasion you are in a certain sense rejoicing, the harp and timbrel may be deemed not out of place. But you must take a sterner and more business-like tone at the anniversary, and believe me—Truly yours,

"R. COBDEN.

"C. D. Collet, Esq."

E

The old members of the Newspaper Stamp Abolition Committee had been accustomed to blend music and politics at the Chartist "National Hall"; a *soirée* without music would have been to us what a dinner without wine would have been in the last century. We sold tickets for 357 persons, and filled the large hall without sending into the highways and hedges. The Press reported that the music was much appreciated.

Our annual members' meeting, at which all members who were subscribers were requested to allow their names to appear on the list of the Committee, and our annual public meeting wound up the year 1853-4.

In practice the new dispensation, which implied that printers and publishers should master no less than three complicated Acts of Parliament, had produced the wildest confusion. In London they judiciously avoided all correspondence with Somerset House. In the country they sought there a friend, philosopher, and guide; Mr. Timm sometimes commencing the correspondence, but sometimes waiting until his advice was asked.

A Parliamentary paper, moved for by Mr. Milner-Gibson, showed how severely Mr. Timm's temper must have been tried, and how creditably he kept it. As an addition to his troubles we dragged him into a controversy with the *Builder*, which, though "consisting principally of advertisements"—unless a blank page counted—had been publishing without the stamp. Mr. Timm duly warned Mr. Wyman, but that judicious publisher left the communication severely alone. Our next move was to get our friend Mr. Holyoake to publish a weekly paper with the object of testing the blank space question, before which one country publisher had succumbed. The *Fleet Street Advertiser* ran from the 4th of June to the 2nd of December, 1854. It was not intended to be remunerative. It was conducted economically. Its contents were in every number the same or very nearly so, the order of placing them being varied. The size was 14 inches by 8½ inches; there were only two pages, and one of them was blank. For some weeks Somerset House bought half a dozen copies. Nobody else bought any. Whether the practice was imitated we cannot say, but we ceased to hear that any one had been threatened who did adopt it.

Another friend, Mr. Novello, undertook to raise for the first time a question as to what was the real

meaning of the description in the schedule "consisting principally of advertisements."

Mr. Novello was proprietor, printer, and publisher of the *Musical Times*. This, being a monthly paper, might contain any proportion of advertisements. He therefore now brought it out fortnightly, and filled more than one half of its pages with advertisements. Then when any publisher wrote to tell me that he was warned that he was occupying more than half his paper with advertisements, I sent him a copy of the *Musical Times*, and told him to send it to Mr. Timm, and ask him why he did not prosecute Mr. Novello. Whether Mr. Timm was innocent enough to suppose that Mr. Novello was breaking the law for the sake of an increased profit from advertisers we cannot say; but on May 8, 1854, Mr. Timm threatened Mr. Novello with proceedings against the *Musical Times*.

About this time our solicitors, Messrs. Ashurst and Morris, tried a fall with Mr. Timm on the question of the liability of the monthly papers to penalty for coming out in the middle of the month. Mr. Timm began by threatening the *Stockport Free Press*; he ended, after a severe legal tussle, with the lame statement that he had received no instructions from the Board to take proceedings against Mr. Smith. In the course of this engagement we improved our position, owing to the advice of Mr. John Morris, whose name appeared for the first time as a member of the Ashurst firm. No more threats of penalties for publication in the middle of the month proceeded from Somerset House. Mr. Timm's alarm lest he should be dragged into the Exchequer Court shows that his plan of campaign was to threaten, but not to fight. But a few months previously the Board had followed its unsuccessful attack upon a monthly paper in London by a still more disastrous attack upon a weekly paper in Dublin. There the case of the *Dublin Commercial Journal* ended in a verdict for the defendant. The upshot of the case, added to that of the *Household Narrative*, was that juries would have to decide, not whether a particular paper contained news, intelligence, or occurrences, but whether the containing them made a paper a newspaper. The New Dispensation had broken down in practice.

Mr. Milner-Gibson, therefore, produced his fourth annual motion on May 16, 1854, in unusually favourable

circumstances. It took the form of a demand that the early consideration of Parliament should be given to the laws in reference to the Periodical Press and the Newspaper Stamp because they were "ill-defined and unequally enforced." Mr. Milner-Gibson rigidly confined himself to the terms of the motion, and it was left to Mr. Bright to advocate the repeal of the Stamp Act on general grounds. In the course of his speech he called attention to the unstamped sheet circulated in the clubs and posted in the lobby by the Electric Telegraph Company—a predecessor of the "tape and column printer"—and challenged the Attorney-General to take proceedings against it. Sir Alexander Cockburn admitted that the law required revision, but denied that it was at present obscure; and the Solicitor-General, Sir Richard Bethell, took up the same line. Both promised that it should receive the early attention of the Government, and both hoped that Mr. Milner-Gibson would be satisfied with the previous question moved by the Attorney-General. However, the House would not be satisfied with this temporising, and thereupon Lord Palmerston intervened in his private character of the "judicious Bottle-Holder." After the ingenious suggestion that the resolution might be construed into a slur on the Board of Inland Revenue, he suggested as a compromise that "the laws in reference to the Periodical Press and Newspaper Stamp demand the early attention of Parliament with the view—going further, perhaps, than the right hon. gentleman—to their revision." Mr. Milner-Gibson, however, declined to accept the olive-branch, on the ground that he favoured not revision but repeal. Thereupon the Government surrendered at discretion, and the resolution passed unanimously.

As an epilogue there arrived at the office a letter from Lord Stanley, the young nobleman who had previously objected to our first circular demanding the repeal of the Newspaper Stamp, announcing his adherence to our movement. He even predicted our certain triumph in two or three years' time. Mr. Novello and I had previously agreed that there was nothing to warrant us in publishing a *Gazette* that month. However, so important a convert was not to be despised. The letter was in type the evening of its arrival and laid before the Committee. On Wednesday night, at half-past eleven, it was taken to all the morning papers; on Thursday

morning it appeared in the *Daily News* alone. The following is

LORD STANLEY'S LETTER.

"SIR,—No division having been taken on Mr. Milner-Gibson's motion, and the motion itself not going the length of a repeal of the Stamp Duty, I wish to give in my adhesion to the movement which you are promoting, so far as the abolition of that duty is concerned. The Paper Duty, as a financial measure, stands on a different footing. But the Stamp Duty is professedly imposed as a postal charge only, and not for purposes of revenue. It may, therefore, be dealt with quite apart from any considerations arising out of the war.

"I only know three reasons which really influence men's minds against its removal. Some persons fear the political or social results of a large increase of cheap periodicals. This objection is removed by the existence, uncontrolled by law, of a cheap unstamped press, dealing with every subject except the news of the day, and even dealing with that in the way of comment. The danger which they fear already exists; the proposed change of the law will diminish instead of aggravating it, by giving to the cheap Press a character of greater respectability.

"Others conceive that what is demanded is this: that newspapers should be posted gratuitously. It would be well to have this delusion thoroughly removed. Newspapers cannot claim gratuitous transmission any more than letters; all that you ask is, that only those which require postal accommodation should pay for it; and that the small provincial journal, which does not use the post-office, being distributed entirely by hand, shall not be taxed 50 or 100 per cent. upon its value, in order that a copy of *The Times* may pass four or five times through the post, at the cost of a single transmission. You cannot put it forward too clearly, that it is not the removal of the postal charge, but its equalisation, that you desire. The present law is as though a penny stamp were put on every sheet of paper, so that a note sent by hand, or a written memorandum kept for private use, should pay postage as well as a letter transmitted in the usual manner. Its anomaly and injustice could not have been tolerated until now, were it not that proprietors and editors of established journals circulating largely, have, or conceive themselves to have, a direct interest in maintaining a system which checks competition, and favours large capitalists.

"I believe the fallacy here mentioned, 'that what reformers ask is a gratuitous transmission of newspapers by post,' has done more mischief than, from its absurdity, would be supposed.

"The third objection taken—a fear lest the Post Office revenues should fall off—seems wholly groundless. Any one who looks at the returns of that department will see an enormous increase of late years in the amount of work which it has to do, and consequently also in its receipts. I believe that a diminution in the number of newspapers conveyed by post would more than compensate, in convenience, for the pecuniary loss which it might cause. But it must also be remembered that a large increase in the number of newspapers would render the Paper Duty (while that tax lasts) more remunerative; and, as was urged in the debate, that, if many more

newspapers are published than at present, it is probable that at least an equal number will still pass through the post.

"Justice has scarcely been done to the claim of the provincial Press. Take such a case as this (and it is not an imaginary one) : A local journal, published in a small borough, has 1,000 subscribers : of these, 900 live within the borough, their copies are consequently transmitted to them by hand : only the remaining 100 copies are sent by post, the charge for which, at 1*d.* each, would be 8*s.* 4*d.* But the law imposes, under the name of a postal charge, this penny tax on the whole 1,000 copies ; amounting, in all, to £4 3*s.* 4*d.* on each impression ; or, in other words, taxes the journal in question at the rate of 10*d.* for each copy which passes through the Post Office. Can it be imagined that this injustice should be defended, as I have seen it defended, on the ground that what is thus taken from the small journalist is put into the pockets of his metropolitan rival? . . .

"To those who apprehend that the character of journalism will suffer by an increase of cheap local papers, though holding their anticipations to be erroneous, I should reply simply by a refusal to discuss that question. We contend that as a matter, not of policy, but of simple justice, postal charges should fall only on those who benefit by the services of the Post Office. Whatever may have been the private opinions of public men, no Minister of late years has dared to avow that the Stamp Duty is imposed purposely as a check on low-priced periodical writing. To admit this, is to assert the principle of a censorship. For the existing duty, amounting to a tax of 100 per cent. on a penny journal, amounts, in fact, to a prohibition of all such journals. But, if this prohibition is designed, it ought to be put in express words. What the Legislature does should be done openly. The question, therefore, is reduced to this—whether Parliament will continue to limit the right of publication to journals sold at and above a certain price? That this is the effect of the law, is clear ; that it is also the object of the law, though that object is not acknowledged, seems impossible. Formerly, the Stamp Duty was defended on financial grounds alone ; now, we are told that the fiscal question is unimportant ; the excuse varies from year to year, the policy is still obstinately clung to.

"Two or three years must probably still pass before you succeed, but the ultimate result is certain ; meantime, I shall gladly join in attempting to remedy what is at once a great impolicy and a grievous injustice."

CHAPTER XIII

“ EDINBURGH WAR TELEGRAPH ” THROWS THE STAMPED
PRESS INTO CONFUSION—RESIGNATION OF MR.
GLADSTONE—DIFFICULTIES OF HIS SUCCESSOR

AFTER Lord Stanley's epilogue, a letter from Mr. Cobden will form a fitting prologue to a new chapter. On the 5th of June, 1854, he wrote to me :—

“ As there was no ‘ House ’ last Tuesday, I had not the opportunity of seeing you respecting the subscription. I have a list for £100—half of it M.P.s, the rest good Quakers, who are always the first and foremost in all good works. The money has been paid to me with the exception of £5. I will hand you the list of names when I get back to town, with, I hope, the addition of some others. But this is a very small portion of what we ought to have to carry on the war with spirit at the present moment, when a very decisive effort is wanting to complete the rout of the enemy, already giving way. I think that one of the best things that can happen is the starting of a good many unstamped papers for special objects—for instance, the Teetotal Alliance is about to print a penny weekly paper. The more of them the better, for, as the Inland Revenue Board will not be able to prosecute, the regular *stamped* newspapers will by and by begin to call out for the removal of the stamp, to put them on a fair footing.

“ When I saw Mr. John Wood in the lobby of the House the other day, he seemed terribly out of temper with the Attorney-General, and abused him soundly for having thrown the Inland Revenue Board over in his speech on Gibson's motion. He said that the Board had always acted under the Attorney-General's direction, but that in future he should never act without his *written* opinion. It is a very pretty quarrel, and I hope, in all charity, that it may increase with keeping, and that the public may gain something by the feud. I hope you are not running after the Eastern question, or other strange gods, but following up the one thing needful for all real progress.”

In accepting the resolution against the existing Stamp Act, the Government had undertaken an impossible task; for no law could be enacted or enforced which would tax newspapers impartially. Until this fact was officially recognised, we took every possible advantage of the impossibility that the Stamp Office

felt of enforcing the prohibition to publish a newspaper in the middle of the month. Our legal advisers, Messrs. Ashurst and Morris, had, as we have seen, triumphed over Mr. Timm in the case of the *Stockport Free Press*. On May 26th, 1854, the four Dunfermline monthly papers completed their arrangements for appearing in weekly succession. On August 28th the four Wigan monthly papers made a similar arrangement. The outbreak of the Crimean War, and the great demand for news following on the victory of the Alma, brought fresh difficulties on the Stamp Office. The first to meet this demand was the Lord Mayor of London, who, on September 30, 1854, issued a placard informing the public of the battle. We promptly sent him a warning that a similar sheet published by him before the expiration of twenty-six days would be a breach of the Newspaper Act. On the day that this letter was dated, the Lord Mayor issued another placard, and thereby incurred the charge from which we had sought to guard him. However, he did not repeat the experiment, his journalistic zeal being probably damped when he found that the capture of Sebastopol, announced in his second effort, had been postponed indefinitely. In the course of the week many unstamped narratives of the battle of the Alma were published and several new publications were set up on the spur of the moment, including *Capture of Sebastopol, a Supplement*, published October 2nd; *Sebastopol Fly Sheet, No. 1*, October 3rd; *Sebastopol Chronicle No. 1*, October 4th—all by Mr. Hobson, an enterprising publisher at Ashton-under-Lyne.

It was before this patriotic demonstration of the Lord Mayor that Mr. James Watson Finlay, editor, but not proprietor, of the *Edinburgh Guardian*, a paper of similar rank to the London *Spectator* or *Examiner*, called at our office. Mr. Finlay felt as indignant as we did at the fetters of the Press, and saw in existing circumstances a favourable opportunity of breaking them down. A daily war newspaper would be the surest means of exciting attention, and was sufficiently in accordance with the practice of the Board of Inland Revenue to make it possible thus to gratify the public curiosity without the certainty of suppression by authority. The plan was quite in accordance with our system of making new assaults on the practices of Somerset House; making only one at a time, but making

a fresh move whenever there was a good opportunity. *Holt's Army and Navy Despatch* was brought out a little while before Great Britain took part in the war. It was registered as a newspaper, but was stamped only for postal circulation. Like the *Athenæum* and the *Builder* it came out only once a week. It was confined to one subject—the war—and professed, on this ground, to be legal. Mr. Finlay planned a newspaper that should come out every day. In fact, soon after its commencement, about October 8th, it came out three times a day, each edition bringing down the news to a later date than before. It therefore was not purchased only by those who were not in the habit of buying a newspaper at all. It competed with the *Weekly Press*. Under the anxiety about the war people left off buying the weekly papers at fourpence half-penny each, and paid a penny a day for the *War Telegraph*. They got more in proportion for the money and they had only one day instead of seven to wait for their news. The daily *War Telegraph* was not more illegal than the weekly *Army and Navy Despatch*. The law discriminated a weekly paper from a monthly paper in favour of the latter, but it gave no privilege to a weekly paper over a daily one. Nor did the law or the practice of the Stamp Office give any preference to literature or to architecture over military affairs.

Mr. Finlay's exploit was the first and the most important assault on the system, but on October 20th two penny papers came out at Manchester, a daily *War Express* and a daily *War Telegraph*. Mr. Barstow had for some time published at Manchester a weekly war paper. If the readers of the high price stamped papers did buy this penny paper, they would buy it in addition to the stamped one. But when fresh news of the war was offered every day, the temptation to pay a penny a day involved the economy of giving up the dear weekly paper. The provincial newspapers began to be alarmed lest they should be destroyed by this growing hailstorm of unstamped rivals, and not only at Edinburgh and Manchester, but at Birmingham and other places, the proprietors began to use strong language, not in leading articles, but in letters to the Chancellor of the Exchequer and to the officers of Inland Revenue, threatening that they too would publish their newspapers unstamped.

The result was a shower of Exchequer writs from Mr. Timm, beginning with the *War Chronicle* and *Holt's Army and Navy Despatch*. A week later he descended on the *Edinburgh War Telegraph*, and from day to day the reign of terror continued. In most cases the journals were frightened into surrender: thus on November 22nd both the *Edinburgh War Telegraph* and the *Manchester War Express* came out with the stamp. But the new publisher of the *War Chronicle* having grown wary, Messrs. Holyoake undertook the publication in order to try the question, and sent word through our solicitors to the Stamp Office. They immediately threatened summary proceedings. December 6th accordingly witnessed the publication of *Collet's First (Monthly) War Chronicle*, which was followed at weekly intervals by *Moore's War Chronicle*, *Hoppey's War Chronicle*, and *The War Chronicle*. Further, a deputation, introduced by Mr. Milner-Gibson, waited on Mr. Gladstone, to ask him not to allow any proceedings to be taken in the Court of Exchequer until after a verdict in that Court against *Holt's Army and Navy Gazette*. The Chancellor of the Exchequer was kindly, but uncommunicative; "all that I have to do," said he, "is to see that the revenue is protected." After he had withdrawn, the Attorney-General remarked "God forbid that my name should be connected with the prosecution of any newspaper." And thus ended the drawn battle of the war papers.

Mr. Novello meanwhile, had secured a signal triumph at the expense of Mr. Timm. We have already alluded to the threat of prosecution launched against the *Musical Times*, and we may add that not only was the paper accused of containing principally "advertisements," but it was also reproached with the old crime of containing news. Mr. Novello replied that the *Musical Times* consisted "principally" of music, that its news had always been precisely of the same kind for ten years, and that the Stamp Office was thoroughly acquainted with its nature. He gently twitted Mr. Timm with having to administer a law which the judges were unable to define, and which no Government had the grace to repeal or the courage to enforce. Mr. Timm had not studied his *Musical Times* as he should have done. After the 15th of February it ceased to give even half its pages to advertisements. It appeared fortnightly

from February 15, 1854, to July 15, 1855. The increased frequency of publication did not seem to cause inconvenience, but the superfluity of advertisements did. It consisted in a repetition of advertisements of Mr. Novello's own publications; and when the quantity was increased to nine or ten pages, the paper had to be extended from sixteen to twenty.

Failing to extract any further information from Mr. Timm, Mr. Novello had recourse to Mr. Keogh, Assistant Secretary to the Board of Inland Revenue, with a request to know if he was to be prosecuted or not. "Many of my friends," he wrote, "are in consternation at the danger they think I run." There came a curt answer that the Board would act in the matter according to the advice of the law officers of the Crown. Mr. Novello then applied to Sir Alexander Cockburn, but a second letter and a question put by Sir John Shelley in the House were necessary before he sent a reply. It was to the effect that owing to the serious illness of Mr. Gladstone, the Attorney-General had been unable to communicate with him on the subject, and therefore was unable to give an answer. Sir Alexander professed to entertain no doubt as to the law, but how far it should be enforced as a matter of policy rested with the Minister at the head of the Financial Department to determine. Quite undefeated, Mr. Novello approached Mr. Gladstone with a request for some settlement of the course to be taken. He received satisfaction at last in answer to a question in the House. The Chancellor of the Exchequer intimated that:—

"While it will be our duty to reserve the question till we are in a position to acquaint Parliament with our intentions, it will be impossible to make any announcement that may lead to any disregard of the law as it now exists, but on the other hand, it is not the intention of the Government to adopt any more stringent application of the law than has hitherto prevailed.

"With respect to the case of Mr. Novello, it is clear that as the paper was conducted some time ago it was amenable to the present law; but I have been given to understand that it is now managed with considerable caution, and with a very proper and judicious regard to the law. In the present state of the question the Government will be anxious to avoid any measure that may justly be liable to the imputation of harshness."

This "very proper and judicious regard to the law" consisted solely in this, that the superfluity of advertisements in the number for February 15th was never repeated. Anything more was imaginary. But by

accusing the *Musical Times* of containing news Mr. Timm had converted every class publication in the country to our side.

On June 20, 1854, Mr. Milner-Gibson moved for a Parliamentary return, which, after throwing some light on the conflicting jurisdictions of the Stamp Office, the Post Office, and the Treasury, gave us fresh grounds for action. Unfortunately it began with the year 1838, and, therefore, did not fix the date at which the Government resolved on giving free postage to newspapers. But it did disclose a great increase of stamps consequent on the lowering of the duty to a penny in 1836, and the consequent alarm of the Post Office. Further, it gave evidence of numerous evasions of the law in the case of trade price lists, and other sorts of publications not considered to be newspapers. With a letter rate never less than twopence to which they were obliged to conform, their publishers hit upon the device of finding the newspaper securities and entering into all the newspaper responsibility, in order to stamp that portion of their impression which they wished to send through the Post Office. Armed with copies of unstamped papers like the *Essex Literary Journal*, the *Scottish Jurist*, and the *Musical World*, and with publications like *John Teasdale's Sale List*, *Jeriam and Ward's Quarterly Tea Prices Current*, and *Smith's Daily Commercial List*, Lord Lichfield, the Postmaster-General, pelted the Treasury with requests for a decision. Their lordships advised him to let the publications pass postage free on the ground that "it was not advisable" to make a new order in the present state of the Post Office question. For this determination they had some show of reason. An Act was passed that month, August, 1839, empowering them to alter all the details of the postage of letters. Accordingly the Warrants of the Treasury established early in 1840 a penny as the single rate for letters throughout the United Kingdom, and for this single rate the Post covered half an ounce. But no provision was made for any printed matter except Parliamentary papers and newspapers. Unfortunately Lord Lichfield's grievance was left unredressed, since he had still to determine, without any one to guide him, whether a stamped paper was a newspaper. Nor did a complicated correspondence between the Post Office, the Stamp Office, and the Treasury place matters on a more logical footing.

Mr. Holyoake was now the proprietor and publisher of the *Reasoner*, a weekly paper, and he placed himself and his journal at our disposal. It was not considered a newspaper by Somerset House, and therefore he applied to the Treasury and the Postmaster-General for advice. Could he send it through the post at the charge of a penny per copy? He declared himself unwilling to make false declarations, after the example of the proprietors of the *Quarterly List of the Additional Curates Society*, *Heal's Catalogue of Bedsteads*, and *Savay's Prices Current*. Messrs. Ashurst and Morris, who took up the running, were referred by the Secretary to the Post Office to the Board of Inland Revenue. The Board of Inland Revenue had already refused the stamp without a declaration. Was perjury, Messrs. Ashurst and Morris wanted to know, Mr. Holyoake's only resource? They submitted that the Postmaster-General, with the consent of the Treasury, had power to make a regulation by which he could send his paper free by post on payment of a penny postage stamp. The Assistant Secretary replied with a flat refusal to entertain this plan, and Mr. Holyoake fared no better when he memorialised the Treasury. Fortified with counsel's opinion, he attacked their lordships again, and this time he was informed that a Bill would be prepared and proposed that Session to remedy the matter of which he complained. Accordingly a Treasury order appeared in the *London Gazette*, but not before June 6, 1855, admitting all printed matter to postage at the rate of four ounces a penny—the postage to be paid by a Queen's head affixed on a cover open at the sides. There was an end to verbosity by Act of Parliament, and the contention, which our solicitors had worked at so thoroughly for Mr. Holyoake, was fully justified.

Our winter campaign began with the scheme, to which allusion has been already made, for publishing the *War Chronicle* in a legal form, and so as to foil Mr. Timm. Three of our committee undertook to publish each a monthly *War Chronicle*, to which each prefixed his own name. Arrangements were made for the four proprietors to be separate, and each proprietor made an agreement with the same previous editor. Messrs. Ashurst and Morris forwarded their draft circular to the trade for Mr. Timm's benefit, and informed him in addition that Messrs. Holyoake were

preparing to issue weekly the *War Fly Sheet* at the price of a halfpenny. "We beg to add," they wrote, "that our clients are quite ready to act in accordance with the law when declared, not by mere threats, but by judicial decision even of a magistrate." *Collet's War Chronicle*, too, which made its appearance on the 9th of December, opened with a blast of defiance against the Stamp Office. Its readers were told that the greater the support they gave to the undertaking, the more likely were they to get rid of the penny stamp, which was at that time most oppressive, when their relations were shedding their blood for the Government, and they were taxed to know whether they were dead or alive. *Moore's War Chronicle* was published on the 16th, and its introductory article by our chairman refuted the unjust suspicion expressed at the time that the Government suppressed the war papers for the purpose of impeding the news from the Crimea. This suspicion sprang up in Scotland, where the great sale of the *Edinburgh War Telegraph*, and its suppression by the Stamp Office, had created much interest and corresponding disappointment. *Hoppey's War Chronicle* came out on December 23rd, and on the 30th was published the last number of the *War Chronicle*. It broke down under the weight applied to it in various ways. But we had on December 13th commenced the *War Fly Sheet*, a paper of two pages, price one halfpenny. This paper was, by the kindness of Mr. John Hamilton, made up from the *Empire*, nothing being charged, except the extra expense of making up, printing and paper. Consequently the continuance of this paper did not depend upon its sale. Had the Board of Inland Revenue confined its attack to daily unstamped war papers our defeat would have been complete; but it included weekly war papers, and threatened Messrs. Holyoake with proceedings, both judicial and summary, yet they continued to publish the *War Fly Sheet* till June 27, 1855. On the 15th the Bill for the Repeal of the Newspaper Stamp had received the Royal Assent. The authorities had too much sense to take advantage of Mr. Holyoake's courage and public spirit. He was commanded to appear before the Court of Exchequer, but no further steps were taken against him.

The enemy now began to take action and to resist any change. On November 9, 1854, a meeting of Scottish newspaper proprietors was held in Edinburgh,

to appoint a deputation to urge Mr. Gladstone to continue the Stamp. "There are some," wrote Mr. Joseph Hume in the last year of his life, "who court slavery," and he was right. The effect of this demonstration was, however, neutralised by an opposition meeting calling on the Chancellor of the Exchequer to repeal the Stamp.

Fortified by the usual resolutions passed at our annual meeting, Mr. Milner-Gibson rose in the House on the 12th of December and questioned Mr. Gladstone as to his intentions, dwelling especially on the case of the war papers. The Chancellor of the Exchequer declined to be led into controversy, but promised that his Bill should be laid on the table after Christmas. We were very active during the interval, presenting a short petition to the House of Commons, and an address to the Attorney-General. Mr. Gladstone gave notice of his resolution for Monday, the 29th of January—

"1. That it is expedient to repeal the exemptions of newspapers from Postage Duty; and to charge, on newspapers and printed books and papers transmitted by post, rates of postage not exceeding one penny for every 4 oz. in weight, and for any fractional part of 4 oz.

"2. That it is expedient to alter and amend the laws relating to the Stamp Duties on newspapers, the printing and publishing of newspapers, and registration and giving securities in connection with the regulation of the duties on postage for printed papers."

The battle seemed practically over. But on that very day Mr. Roebuck carried his motion for a Committee on the Army before Sebastopol by 305 to 148. On the 21st Lord Aberdeen resigned and on February 8th Lord Palmerston became Prime Minister. On Friday, February 2nd, Mr. Gladstone brought forward his resolutions, but having been threatened with an amendment to insert 3 oz. instead of four, he altered his resolution into an abstract one that the postage of printed matter should be regulated by weight.

Mr. Gladstone's Bill was read a first time on the 20th. It abolished—

1. The compulsory Stamp, and
2. The Security System.
3. All postal matter was admitted to a postage of one penny per 4 oz., or for any portion of 4 oz.
4. All newspapers now existing, or henceforth to exist, may stamp a portion of their impression for the post; such portion to have the privilege of re-transmission for seven days from the date of publication, and such papers, if over 4 oz. and under 6 oz., will require only a three-halfpenny stamp.

5. All existing newspapers—though exceeding 4 oz. in weight, but not exceeding 2,295 square inches, and not published on more than two pieces of paper—may (during ten years) go by post for seven days for a penny, if stamped, but cannot go at that rate for a stamped envelope.

As we explained in our *Gazette*, we felt deeply grateful to Mr. Gladstone and to Sir Alexander Cockburn, the Attorney-General, for the first three provisions, though we regretted the fourth and fifth as concessions to a powerful interest that would keep things as they were. Our annual meeting held on the following night broke up in high spirits. We could not foresee that the full liberty offered by Mr. Gladstone's Bill would be withheld for fourteen years longer.

The acceptance of Mr. Roebuck's Committee by Lord Palmerston necessitated, as the world knows, Mr. Gladstone's resignation. He was succeeded by Sir George Cornewall Lewis, the editor of the *Edinburgh Review*, which had upheld the stamp. All our difficulties began over again, since we had to convert the new Chancellor of the Exchequer. On March 14th we received the following letter from our president, Mr. Milner-Gibson :—

"A change has come over the Government about the Newspaper Stamp. The Chancellor of the Exchequer gave notice to-night that he should not proceed with Mr. Gladstone's Bill, but bring in another, as he intended to make extensive alterations.

"If you will give me a look in to-morrow I'll tell you what the new plan is. The Chancellor moves his resolutions on Monday, the first thing."

Sir George Cornewall Lewis, it appeared, intended to continue the Security System and to limit postal privileges to publications previously stamped. We issued a strongly-worded protest in the form of a petition, but it had no effect on him, as his resolutions showed—

"That it is expedient to amend the laws relating to the Stamp Duties on newspapers, and to provide for the transmission by post of printed periodical publications.

"That any periodical publication, to be entitled to the privilege of transmission and re-transmission by the post, shall be printed on paper stamped for denoting the Stamp Duty imposed by law on a newspaper, printed on the like number of sheets or pieces of paper, and of the like dimensions, with respect to the superficies, of the letterpress thereof.

"That printed newspapers (British, Colonial or Foreign) shall be transmitted by post between places in the United Kingdom, or her Majesty's Colonies or Foreign countries, or between any ports or places beyond the sea (whether through the United Kingdom or

not) either free of postage, or subject to such rates of postage not exceeding 2d. for each newspaper, irrespective of any charge for foreign postage, as the Commissioners of the Treasury, or her Majesty's Postmaster-General, with their consent, shall from time to time think fit."

The resolutions were agreed to after Mr. Gladstone had contrasted them unfavourably with his own, and Sir Francis Baring had predicted a loss to the revenue of £250,000. In a spirited speech Mr. Milner-Gibson denied that it was properly a fiscal question, and he was supported in that view by the Chancellor of the Exchequer. The question was whether the Government should enter into a crusade against the existing Press for the sake of enforcing a law which could only be enforced by the verdict of juries.

We resolved to resist energetically any limitation of the postage to registered or stamped publications. Directly Sir George Cornewall Lewis's resolutions were in print, Mr. Holyoake drew up a third memorial representing that the Bill for his relief having been abandoned, he had no course open but to enforce the law against those who, by false declarations, were enabled to compete against him. The Secretary to the Treasury informed him, in reply, that he was no longer obliged to make a declaration, but that his publication, the *Reasoner* could go by the post on the same terms as a newspaper if it was registered at the Inland Revenue Office. Mr. Holyoake retorted that to give two securities obliged a person to declare himself worth £400 after all his debts were paid—a qualification that would exclude half the editors in existence. His solicitors then drew up an indictment against Mr. Cox, a proprietor of several partially stamped publications, and Mr. Crockford, their publisher. The greatest care was taken and no expense was spared to complete the evidence against the defendants. But the Grand Jury thought that a false declaration made by connivance with the Government to obtain cheap postage could not have any moral condemnation, and ought not to have any legal condemnation. So they ignored the bill of indictment.

Mr. Crockford's solicitors promptly requested me to forward a copy of the minutes of my committee of management, as he was intending to take proceedings. I answered that Mr. Holyoake had acted purely on my personal advice, my reason being that Mr. Crockford was returned as publishing more partially-stamped

papers than anybody else. A vigorous justification of our proceedings by Messrs. Ashurst and Morris closed the correspondence. In the course of their letter they said :—

"Our client is not content with the ignoring of the bills by the Grand Jury. It is difficult to conceive how they could make up their minds that a selection of original poetry, containing no matter even savouring of news, could in any sense whatever be a newspaper. And our client's present intention is, we believe, to prefer other indictments either before the Grand Jury of the Queen's Bench, or at the next Sessions of the Central Criminal Court, in order to have the question fairly and properly decided in open Court."

Further hostilities were suspended, however, since the Chancellor of the Exchequer intimated in the debate on the second reading of the Newspaper Bill that he was prepared to amend the proposed Treasury Warrant, so that it might include a lower scale of rates giving facilities for the transport of books and printed matter. Another triumph for Messrs. Ashurst and Morris.

The Chancellor of the Exchequer certainly did not go in want of advice. On the one hand we addressed a memorial to him, pointing out the evasions of the law and unnecessary expense that would be caused if a weight of not more than four ounces were not admitted to the postage rate of one penny. On the other came the proposal of the Yorkshire newspaper proprietors, which was loudly applauded by *The Times*, that the proposed stamp on newspapers to entitle them to transmission and re-transmission through the Post Office should be a halfpenny, not a penny stamp, and that there should be issued halfpenny stamped covers to entitle unstamped copies of registered newspapers to a single transmission through the post. Their principal argument was that with a penny stamp the small local papers would receive a "fictitious" stimulus. With a halfpenny stamp the best political writing and the best news would contend on nearly equal grounds. Mr. Milner-Gibson was promptly on the alert, and wrote :—

"You see that Baines and Co. have been to the Chancellor of the Exchequer to propose a new plan for settling the Newspaper Stamp question. It is plausible looking to those who know but little upon the subject.

"Nothing but a registered newspaper giving securities, &c., is to have the use of the postal stamp, whether on the paper for re-transmission 'or by stamped envelope,' and the stamp is to be a halfpenny one. Printed matter, generally, is to be left where it is

now, but periodicals are to have their halfpenny postal privilege without any restriction of their size or weight. This will never do.

"The more you get the pressure kept up for the cheap book post the better—in that lies our safety, and I am so afraid the Government should get driven out of it by the newspapers."

We drew up a memorial pointing out that the Yorkshire scheme would confer a bounty on large newspapers. Next day Mr. Milner-Gibson wrote again:—

"I have no doubt from what I was told that the Chancellor of the Exchequer intends a cheap book post. You must not act towards him in a hostile spirit, or assume that he is not proceeding *bonâ fide*; at the same time the greater interest that is expressed in obtaining the cheap book post the better. Paternoster Row is the place to keep the Chancellor up to the mark. I should not think it probable the Government will listen to Mr. Baines's proposal; at the same time it is not to be disregarded, as he has some powerful friends at Court. I don't like it at all; it appears to me insidious.

"If there was time, I should like to see the memorial, and could return it in course of post. The Chancellor might thus have it by Sunday.

"As you know, I never had any opinion that the proceedings for perjury would succeed. I thought it probable that a Grand Jury, and still more a petty jury, would not look at them as a reality in this case."

In the end, the Chancellor of the Exchequer compromised. He extended the seven days for re-transmission to fourteen, and accepted the rate of four ounces a penny for any printed matter, reserving the impressed stamp as a privilege for registered periodicals published at intervals not greater than thirty-one days, and giving the old securities.

At the present time (1895) any newspaper can go through the post *once* for a halfpenny, and at the same rate only two ounces of printed matter obtain the same convenience. *The Times* with twelve pages weighs a very little under four ounces. It generally contains sixteen pages, weighing five ounces. If it were not a newspaper it would pay three-halfpence, three rates instead of one. Well, a preference of three to one is not so unfair as one of ninety-six to one. We never claimed the right to dictate what the postal rate should be. What we did claim was the right to print and publish without any previous restraint, and, above all, without paying a tax.

CHAPTER XIV

CONTINUED PRESSURE OF INDIRECT TAXATION

THE repeal of the compulsory Newspaper Stamp, and the granting of a penny postage to any four ounces of printed matter cooled the ardour of the enemies of the Taxes on Knowledge to a considerable extent. The continuance of the war was favourable to the publication of cheap newspapers, and to their postal circulation, so that the two advantages of free sale and cheap postage were felt. The satisfaction thus induced probably conduced to the feeling that with the Income Tax at sixteenpence in the pound, this was not exactly the time for the repeal of the Paper Duty, which was contributing more than a million to the annual revenue.

The idea that it was unnecessary and mischievous to compel a number of farmers, manufacturers, and tradesmen to be collectors of the revenue, not only without salaries but at the risk of not getting back from their customers what they had paid to the State, had not begun to take root in the mind of the people, nor even in that of the Chancellors of the Exchequer. The dislike of the Income Tax was very great among those who had to pay it, and those who had any experience of indirect taxation were anxious to get rid each one of his own burden, while those who were not so burthened were fearful that some fresh industry, perhaps their own, might be brought under this yoke. Such fear was not unreasonable. Since that time two Chancellors of the Exchequer have attempted to establish new excises. But the people in both cases showed an intelligent hostility to indirect taxation. Mr. Lowe's financial reputation perished in the flame kindled by his proposed tax on matches, while the reception of Mr. Goschen's proposed tax on wheels has disinclined him from accepting, a second time, the office of Chancellor of the Exchequer. But these attempts failed because for some years every repeal of an Excise duty had been followed

by an increase of the Excise revenue. There had been little of such experience in 1855. What profession or trade was there which might not as reasonably have been compelled to furnish unsalaried tax collectors as the purveyors of fire insurance or the planters of hop-gardens?

The repeals which preceded the repeal of the Taxes on Knowledge were those on bricks (1850), windows (1851), and soap (1853). That of the hop duty was carried by Mr. Gladstone in 1862. So far as the injury to the producer was concerned, the hop-grower had a stronger case than the paper-maker. The Paper Duty obtained precedence for its repeal because of the great mischief which it was understood to do to the diffusion of knowledge. When, however, we consider the repeal of the Paper Duty with the attention which it deserves, we shall find that it not merely liberated the materials of knowledge, but revealed important truths in taxation. Among these was the Excise paradox, namely, that the diminution of the number of Excise duties increased the Excise revenue. In 1831 twenty-four Excise duties yielded not quite eighteen millions; in 1887 six only of these remained which, with one very trifling new one, yielded more than twenty-five millions.

We did not immediately acquiesce in the cessation of our agitation. On June 15, 1855, the Royal Assent had been given to the repeal of the compulsory Newspaper Stamp. The next day we issued a Gazette announcing the fact and calling for the repeal of the Paper Duty and of the Security System. We also protested against the increase that had been made in some indirect taxes on account of the war, and against the cry that there was a want of material for the manufacture of paper. We said :—

“ We hold such taxation to be for the injury of the public; we believe no trade need submit to such taxation if it had the spirit and the intelligence to resist; and, as regards the paper trade, we will employ every means at our disposal to resist the continuance of the tax. Talk of the difficulty of making paper out of common vegetable matter, why the hornet makes brown paper of field herbs, and so would Englishmen, if the Inland Revenue gentlemen would let them alone; that Board forbids that they shall, like the hornet, make brown paper, but when forcing the hornet to be idle, it cannot deprive it of its sting: the paper-makers should build a hornets' nest in Somerset House—the achievement will not be a difficult one.”

How this hornets' nest was built will appear later on.

For some time *our* material was deficient for the purpose. We had gone to considerable expense, and Mr. Cobden and Mr. Novello in their financial report for midsummer, 1855, called for subscriptions to meet a deficit of £521. Our Committee continued to meet, though only once a month, and by February we had voted about £150 in payment of debts. We then authorised the Executive to call a general meeting of the Association. We suggested that three courses were open—(1) to dissolve the Association; (2) to commence an agitation for the repeal of the Paper Duty; (3) to suspend operations till peace should return. We requested instructions, but we submitted that none of these courses could be adopted until the debts had been liquidated. The Association met, but in small numbers, at Fendall's Hotel, on March 7, 1856. On the motion of Mr. Cobden, seconded by Mr. Holyoake, it was resolved that immediate steps should be taken to liquidate the debt. Further, the Paper Duties Association was to be invited to join our society. They refused, however, to receive a deputation, and negotiations were broken off.

On March 5, 1856, we reported to the Association that the repeal of the Stamp had already given rise to from 150 to 200 newspapers, and that the monopoly which confined the publication of daily papers to the metropolis was broken down.

The following comparative table of newspapers in 1854 and in 1856 was copied from Mitchell's Newspaper Directory, which, though compiled with great care, did not contain the names of all the new journals:—

NEWSPAPERS PUBLISHED IN THE BRITISH ISLES.

		1854.	1856.	Increase.
London Dailies	... ..	14	15	1
.. Weeklies	... ..	87	93	6
.. Others	...	38	43	5
England	...	264	379	115
Wales	...	10	19	9
Scotland	...	89	118	29
Ireland	...	110	113	3
Total	... ..	612	780	168

The smallness of the increase in the number of London newspapers is remarkable, but easy to account for. In

the country the fear of the law had suppressed the publication of news, and, except in large towns, there was no demand for local class publications. In London there were a number of class publications—registered as newspapers; these gave as much news as their customers wanted, stamped only as many copies as they wished to post, and were not interfered with. This is the place in which to contrast the number of newspapers published in 1895 with that in 1856, only six months after the repeal of the Stamp. We refer again to Mitchell's Directory which, published in 1846 at 6s. 6d., reduced its price in 1854 to a florin. In 1895 the price remains the same, but the contents are so enlarged that it not only finds room for an admirable catalogue of almost all the publications in the British Isles, but is a guide to the newspaper Press of the whole British Empire, and to the most important newspapers on the Continent of Europe. We extract the following from the issue for 1895 :—

				NEWSPAPERS.		
				Daily.	Others.	Total.
London	...	...	...	28	428	456
England	...	...	...	124	1,218	1,342
Wales	...	...	...	7	91	98
Scotland	...	...	...	19	198	217
Ireland	...	...	...	20	148	168
Islands	...	...	...	3	20	23
Total	...	...	...	201	2,103	2,304
Publications not newspapers, weekly or monthly, etc.						1,847
"	"	"	"	published quarterly		230
Total	...	...	...	...	...	4,381

The existence of a paper-maker was made a burden to him by the regulations which were enacted, perhaps necessarily, for the prevention of fraud. In the Paper Duty Act of Queen Anne these regulations were, with a few exceptions, summed up in a proviso that the Commissioners for these duties should have the same jurisdiction as Commissioners of Excise. The final Act, that of 1839, a hundred and twenty-seven years later, 2 & 3 Victoria, cap. 23, lays down rules with a relentless severity, guarded by a lengthy and particular specification of every point. This prolixity we will endeavour to avoid in the following summary; for none but a

paper-maker would endure to read the text of the prohibitions to which the paper-maker had to submit :—

1. A paper-maker before commencing his manufacture must make a true and particular entry of every place in which he is to make anything, and the different parts must be distinguished, each by a separate letter or number.

2. He must keep all these places and machines marked and numbered in correspondence with the description in the entry.

3. He must cause all paper to be tied in reams, half reams, or parcels, in wrappers on which a label has been fastened, and must immediately write or print upon each label a description of the contents. For every omission he must forfeit £10 and the paper.

4. When the paper is to be charged with duty he must write on each label the weight in pounds. For every omission he must forfeit £10 and the paper.

5. After the paper has been weighed and charged by the Officer of Excise, he shall not remove it from the place where it has been charged, unless it has been sooner re-weighed by the Officer, or he shall forfeit £50.

6. He must keep sufficient scales and weights and allow the Officers of Excise to use them. (The Board of Inland Revenue took on itself to forbid the use of improved weights and scales, even when these were permitted by other Government Departments.)

7. He must keep all paper which has been weighed and charged, separate from that which has not been weighed and charged, or forfeit £100.

8. He must enter in a book daily all the paper he sends out from his mill, or forfeit £200.

9. If he send out any paper not tied up in parcels or without a proper label he must forfeit £20 and the paper.

10. Every parcel weighing in a certain degree more or less than the weight written on it shall be forfeited.

11. He must send out no paper before it has been charged with duty. Penalty, £300 and the paper.

12. A pasteboard maker not being a paper-maker must use only duty-charged paper which shall not have been used. Penalty £100 and forfeiture of materials and tools used.

13. Every paper-maker must submit to have an account taken every six weeks of the paper that has been charged to him, and he must pay the amount within six days. Penalty, double duty.

14. He must not carry on the business of a stationer at his mill, or within a mile of it. Penalty £200.

15. No stationer, printer, paper stainer, or pasteboard maker shall receive into his possession, and no other person shall receive from a mill, paper in less quantity than a ream, half-ream, or parcel in wrappers with labels. Penalty, £100 and the paper.

16. Every person who, on opening a wrapper, shall not write across or otherwise deface the label, for every such label shall forfeit £10.

We omit a few penalties on actions for which a fraudulent intention is necessary.

The natural inference to be drawn from such penalties as the above, for offences which it would be almost

impossible to avoid committing unintentionally, is that no one engaged in the manufacture of paper was supposed to have any scruple in defrauding the Revenue. But which is the justice and which is the thief? Is it not a crime to forbid the manufacture of paper, or soap, or glass, to every one who will not also consent to act as an unsalaried tax-gatherer, and to be subjected to a treatment too severe even for the inhabitants of a jail? And if these manufacturers had really descended so low in the scale as these regulations supposed them to have done, is not their degradation to be charged against this unjust mode of taxation? It is satisfactory to find that society is rewarded whenever it abolishes any part of this iniquitous system; a system which treated the industrial classes of society as if they were thieves and liars, and did what it could to make them so.

But no Chancellor of the Exchequer could avoid being influenced by the loud demand which, at the end of the Crimean War, sprang up from all people of substance for the abolition of the Income Tax, or, at any rate, for that of the war ninepence. We did, indeed, a few years later, carry a resolution in the St. Pancras Vestry Hall that the Income Tax should be retained at tenpence in the pound in order that the Paper Duty might be repealed, but the general opinion, led by a city alderman, was that sevenpence in the pound was the highest amount that could be endured in time of peace.

Our old supporters in the Press ranged themselves in favour of the repeal of the Paper Duty. The repeal of the Stamp had created in London a new journal, *The Morning and Evening Star*, an organ of the Manchester School, which maintained not only that the Paper Duty should be repealed, but that the Income Tax should not be reduced, so that a great reduction might be made of indirect taxation.

On Wednesday, the 4th of February, a deputation from the Association, introduced by Mr. Milner-Gibson, waited on the Chancellor of the Exchequer in Downing Street to urge on him the repeal of the excise on paper. We came away from Downing Street not much cheered by any expectations from Sir George Lewis. He had been courteous and business-like, but seemed rather to wish to find justifications for retaining the tax than reasons for repealing it. We could flatter ourselves, however, that we had laid before him a clear exposition

of our case. The address reminded him that the Paper Duty was the one remaining excise, with the exception of those on intoxicating liquors and their raw materials. Its abolition had been recommended by Sir Henry Parnell's Commission so far back as 1835, and both Mr. Gladstone and Mr. Disraeli had advocated it. We pointed out that raw material was not wanting, and yet in the United States the amount used was three times as much per head as in England. The damage done to the trade was best shown by the alteration in the amount of paper produced according to the increase and relaxation of the duty. Thus in 1839 an addition of three-tenths of a farthing in the pound had caused a possible decrease of 340 mills or nearly 50 per cent. We did not profess to have the exact figures, but the duty at any rate pressed with crushing severity on the small capitalist. As to its malign influence as a Tax on Knowledge we quoted a passage from Charles Knight's "Struggles of a Book."

"Upon a tolerably accurate calculation, I have, from my own unaided resources, expended, during the last twenty years, eighty thousand pounds upon copyright and editorial labour. During the same period I have paid fifty thousand pounds paper duty, which sum has become a double charge to me by the inevitable operation of a tax upon the raw material."

The inequalities in the tax next came in for consideration. The tax on paper used in packing was sometimes a considerable item, and we could not see why paper exported as wrappers for goods should not receive a drawback as well as paper exported separately. The private maker of envelopes had to pay a duty on the waste from which an envelope maker who was a mill-owner stood exempt. This waste was worth £19 per ton and the tax £14 14s. Finally we defied the Chancellor of the Exchequer to define the difference between paper and pasteboard.

"We are prepared to show that on Florentine buttons made at the mill, of what is commonly considered brown paper, no duty is paid, while the very same substance, if it leave the mill in sheets, or if, though made into buttons it be covered with white paper, is charged with duty, and must therefore be supposed to be paper. We should like to be informed on the best authority, whether that which is taxable paper or millboard when it is a foot square, ceases to be so by being cut into discs; and if so, how the covering of these discs with white re-invests them with the character of paper.

"A similar mystery exists in regard to pasteboard. The Act

requires that the pasteboard maker, not being a mill-owner, shall weigh his paper in the presence of an exciseman, and shall, when his pasteboard is made, pay a duty on the increased weight. We are informed that by some process not generally understood, the addition of the paste actually diminishes the weight of the paper; and that in Birmingham there is only one pasteboard maker with whom this is not the case, and that all the others consequently escape payment of the duty."

Alderman Baldwin, of Birmingham, substantiated this statement from his own experience of 40 years' standing. He showed that out of his annual profits he had to sacrifice three-fifths for excise duty alone. He gave instances to show that there was a positive loss of 20 per cent. on every cwt. of common paper exported from the country. He touched on the irregularities of the duty as instanced by the *papier-mâché* trade. A sample of the common pulp material, without paste, paid no duty at all. A superior article, made by pasting sheets together, had to pay a duty varying from £20 to £22 a ton. In reply to a question from the Chancellor of the Exchequer, he expressed his belief that 30 per cent. of the price of books was due to the tax, and that, if the duty were repealed, the penny papers would either lower their price or give a better article. Mr. Rawlins took up the point of the evasion of the duty, and mentioned the case of a manufacturer in York who had defrauded the Revenue for years. But the last word was the Chancellor's, and it was to the effect that the moment was most unfavourable for entertaining a project calculated to diminish the Revenue.

On 25th of February, 1857, we again convened a crowded meeting of our friends and supporters at St. Martin's Hall. Sir Joseph Paxton, of Crystal Palace celebrity, presided. The meeting was addressed by Dr. Epps, Mr. Milner-Gibson, Mr. Herbert Ingram, M.P., and Serjeant Parry. Dr. Watts gave one of those lucid exposures of the Paper Duty which henceforth formed the most interesting part of our meetings. On this occasion he gave a calculation of the probable effects of the repeal upon the Revenue. He calculated that it would set at liberty a million of money per annum, now paid in duty, and half a million invested in paper extra. This new fund, if turned over twice a year, would give employment to 57,692 workmen, who, as heads of families, would represent 230,768 individuals. The repeal would not, even in the first year, be a total loss

to the Government. It would be made good in the third year.

But now our course received a set back. In March Mr. Cobden aimed a hostile motion against Lord Palmerston's Government, censuring the hostilities against the Chinese. Parliament was promptly dissolved. During the election we circulated an Address denouncing the war, and demanding the immediate repeal of the Paper Duty. It had little effect, however, for Mr. Cobden was unseated for the West Riding, and remained out of Parliament until two years later he was returned for Rochdale. Mr. Milner-Gibson was defeated at Manchester, but, in the following December, he was elected for Ashton-under-Lyne.

We entered into negotiation with Mr. Ayrton to supply in Parliament the place of Mr. Milner-Gibson, and on the 4th of June registered an intimation that he would bring forward the Paper Duty in Committee of Supply. We, however, entirely agreed in the discretion which prevented him from fulfilling his intention, and we made up our minds that the time was still distant when we might hope for another Parliamentary triumph. This was not the first time that our Parliamentary action had been arrested.

Public opinion in Parliament waxes and wanes, and sometimes dies away; but the salaried tax-gatherer is always at hand ready to worry the unsalaried tax-gatherer, or to be worried by him whenever this last feels that he is aggrieved and has some judicious agitators at his back. Immediately on the repeal of the Stamp we had suggested the propriety of building a hornets' nest in Somerset House. We had ascertained that there were several drawbacks on the Paper Duty, not contemplated by any Act of Parliament, which had been granted by the Treasury for paper used in manufactures. One of these drawbacks was for the cards used in the Jacquard loom; the reason being that the duty was injurious to the trade. For no better reason were Florentine buttons allowed to be made in the paper mill and exempted from duty.

As a tax on the paper used in any trade or manufacture must to some extent injure it, it might be possible, under a series of exemptions, to break down the duty altogether. In commencing our operations, however, we pitched upon what really was an exceptional though

not a unique case; one in which the regulations of the Excise created a very unfair competition. Towards the end of 1856 we succeeded in getting some persons engaged in trades in which paper was used to enter upon the sort of architecture we had planned. The first of these to put himself at our disposal started with memorials to the Board of Inland Revenue, then finding there the everlasting No, he appealed to the Commissioners of the Treasury. This was Mr. John Scott, envelope maker, of Charlotte Street, Blackfriars Road. His complaint was that, whereas he had to pay a duty of £14 14s. a ton on his waste paper, which was worth £19 per ton for the purpose of being remade into paper, an envelope maker who was also a mill-owner stood exempt. He asked for a drawback on the waste of his envelopes, or, failing this, that the Board should be called upon to explain why such a drawback would lead to a fraud on the revenue. The Treasury made a threefold reply—(1) that the law made no provision for the drawback requested by Mr. Scott; (2) that well-made envelopes were cut before they were charged, and were, therefore, not liable to the duty on waste; (3) that the revenue was not exposed to risk by this advantage enjoyed by the mill-owning envelope maker. As he acutely remarked, the first of these statements was made in his memorial and the second implied in it, but that did not remedy his grievance. On October 28, 1857, however, the Board of Inland Revenue issued a general order, admitting the cuttings of envelopes to drawback under conditions satisfactory to both parties. Amazingly enough, this correspondence was published in the Second Report of the Commissioners of Inland Revenue as a specimen of the facility with which they adapted their regulations to the wants of the trade. "There is scarcely a duty," they flattered themselves, "in the collection of which our interference is so little felt."

The case of the waste cuttings of writing paper is, so far as fairness goes, exactly the same as that of the waste cuttings from envelopes. But when the exemption of waste cuttings of writing paper was demanded, this was found to be not practicable. Messrs. Parkins and Gotto memorialised the Treasury in vain, though they asked that the Board of Inland Revenue should be called upon to explain the difference between the two kinds of waste cuttings. There came the quibbling reply that

the drawback on the waste of envelopes had been allowed for special reasons which did not apply to the waste cuttings of writing paper. The real reason, as Messrs. Parkins and Gotto proved from statements in the House, was that the Treasury were afraid that writing paper would afford the Excise officers no means of judging whether the waste was taken from paper in consumption. They pointed out that—

“There is no difficulty in discriminating the cuttings of writing paper from those of any other paper. Writing paper is used for scarcely any secondary purpose except the manufacture of account books and copybooks, and the greater part of these are ruled, while the rest are in covers, whose cuttings must be intermixed with those of the writing paper, at once furnishing the means of detection. The danger of fraud is therefore very small.”

In any case the Treasury ought to protect them from unfair competition. The Treasury, however, took refuge in an embarrassed silence, and Messrs. Parkins and Gotto could not extract another syllable from them.

It is essential to a just comprehension of the case that we should note the inconsistency of the conduct, and, still more, of the language, of the Board of Inland Revenue. But it is still more important that we should recollect that the cause of this inconsistency lay not in the character or in the capacity of the officers, but in the nature of the system of taxation which they had to administer.

Every Excise duty is essentially unjust, because there is no ratio between the earnings of the victim and the sum he has to pay to the State for permission to follow his calling. The fault of the Board which was displayed most prominently was that, while it sometimes insisted on enforcing the law without being able to give reasons for its severity, it gave way at other times in some single case, and then refused indulgence in some other case which presented no dissimilarity which any indifferent person could appreciate. On the other hand, it must be recollected that in all the controversies of our Association with the Board the objects of the two sides were absolutely opposed. The object of the Board was to defend the Duties on Paper, Stamps, and Advertisements, against private individuals; our object was to induce Parliament to abolish these duties; moreover, in order to do this, we defended those who broke the law, and the argument to which we appealed was that every case the Board prosecuted was like some case which they had

allowed to exist unprosecuted, that we could not suppose the Board would have permitted a breach of legality, and that therefore the subsequent prosecutions must have been illegal. When this was denied, it was easy for us to take the other line, and demand the prosecution of those who had, we found, been treated with a criminal indulgence. Thus we had two strings to our bow and the Inland Revenue had not one.

Besides, the Board was at the mercy of any subordinate officer whose hasty zeal led him to issue a threat to enforce the law. Thus the terror which the Board caused to every publisher lest he should be punished for some (perhaps unintentional) violation of rules was retorted against the Board and its unfortunate solicitor by complaints in Parliament which accused them of severities which they had threatened but had never intended to enforce.

If our object had been not to destroy the Taxes on Knowledge but to make them endurable, we should have recommended the reduction of the Advertisement Duty to sixpence, the ignoring of the first clause in the schedule defining a newspaper so as to free all monthly publications, and a cheap postage for printed matter. As to the Paper Duty, instead of giving a drawback on waste cuttings, we should have allowed all sorts of printing and manufactures to be carried on in a paper mill, and, if anybody outside the mill asked for a drawback on his waste, we should have advised a general order to be issued pointing out that those who, for the sake of providing the public revenue, submitted themselves to the necessity of working under Government control, made a return to the community more than sufficient to compensate for the small advantage they had over those whose proceedings were free from all Government surveillance.

The Security System, deprived of all meaning by the repeal of the Stamp, might have been left to die a natural death. Unfortunately for themselves, however, the Board, after Messrs. Gibson and Bright had been safely ejected from Manchester, issued a circular to the proprietors of unstamped newspapers, warning them that they had still to obey the requirements as to registration. The greater number hastened to comply with the requirements of the Board, though Mr. W. A. Vincent of the *Walsall Guardian* expressed his opinion that the form

was "frivolous and vexatious, and of no earthly use." A few gave up publishing at once, among them being Mr. William Tomlinson, of the *Newark Advertiser*, who declined to ask any persons to be his bondsmen, as, should any one ask the same favour in return, he would almost certainly refuse it.

A few publishers applied to us for advice, and we at once endeavoured to find some publisher who would try the question in the Court of Exchequer. Of course this involved a considerable demand on our funds, but the annoyance to the enemy of having to authorise and to conduct a prosecution of a newspaper which had never given any offence by its contents, and a report of whose trial would be published in all London and in many provincial newspapers, was worth more to us than we could have obtained by an equal expenditure in any other direction.

Some weeks afterwards a Parliamentary return, published on the motion of Mr. Ayrton, gave us some interesting information. It appeared that Mr. Humphrey Brown, M.P. for Tewkesbury, but better known for his unfortunate connection with the British Bank, had been scandalised by the non-registration of newspapers, and had laid an information against the *Joint Stock Companies' Journal* and the *Tewkesbury Weekly Record*. He was informed that a case had been for a considerable time under the consideration of the Law officers of the Crown. We naturally wished to see in what terms they had expressed their opinion. Mr. Ayrton accordingly requested the Chancellor of the Exchequer to produce them, but he was put off with the usual excuse that they were confidential in character. Why, Mr. Ayrton wanted to know, were newspapers harassed, while pamphlets remained exempt? Mr. Holyoake, on his own account, had endeavoured to elicit similar information from Mr. Timm. He forwarded a pamphlet entitled "Abstract of the Laws affecting the Condition of Women," and wished to know if he incurred any liability by its publication. Mr. Timm was at a loss to know why such a question had been addressed to him. Mr. Holyoake thereupon applied for enlightenment to the Board, expressing his surprise at Mr. Timm's refusal to answer, and setting forth the law as he understood it. The Board replied, through Mr. Keogh, that much of Mr. Holyoake's letter was irrelevant, and "it is therefore

inferred that you merely desire to engage this Board in a discussion into which, as no advantage can arise from it, they decline to enter." Mr. Holyoake indignantly denied this accusation; his inquiry was what it professed to be.

"If you enforce the Act in question against pamphlets, you set up a new practice, to which there will be hostility on the part of the public, and, as I conceive, on just grounds. If you do not enforce it, while you enforce the very same section of the same Act against unstamped newspapers, you set up the authority of your Honourable Board above the law of the land."

The Board replied that if his pamphlets were published periodically, and came within the description in the schedule to the 6 & 7 William IV. cap. 76, they ought to be registered. But that was not Mr. Holyoake's point; were the provisions of 60 George III. cap. 9, sec. 8, to be enforced for the first time? The Board could not say if any given pamphlet was liable until they had seen it, but they had no hesitation in saying that they did not intend to depart from the existing practice with regard to pamphlets. When Mr. Holyoake actually forwarded his pamphlets he received no reply!

Sir George Lewis repealed the compulsory Stamp, and gave cheap postage to any printed matter, leaving the rest of the newspaper law as he found it. It was as doubtful as ever whether a paper published oftener than once a month would be considered a newspaper and compelled to register and give security. During the debates on the Newspaper Bill, Sir George Lewis had appeared willing to leave the demand for Security to be enforced only on those who demanded to be supplied with the stamp impressed on their paper, but after the Bill was passed the Law officers saddled the Board of Inland Revenue with the duty of carrying on the old system without the satisfaction of obtaining any money for the revenue, or the facility they had formerly enjoyed for carrying out the necessary espionage. The publications of all kinds which had formerly been exempted from the stamp had made it a point both of prudence and of honour to pay the Advertisement Duty. To demand that a printer should send a copy of every untaxed newspaper he published to a tax office was to attempt to establish a spy system of a very irritating kind. The Excise officers could not have liked it. While Sir George Lewis was altering Mr. Gladstone's simple and excellent Bill, he was once overheard to ask Mr.

Timm whether he really wished the provisions about newspapers to be abolished. "Yes," replied the Solicitor of Inland Revenue emphatically, "sweep it all away." But the Chancellor would not.

Now when the registration and security no longer protect the revenue, the Law officers insist that they shall still be enforced by the Revenue officers; and to show that this survival is not caused by any respect for the authority of an Act of Parliament, they advise the enforcement of Security only against newspapers. The Law officers did this under the protection of the Chancellor of the Exchequer, who would not allow either case or opinion to be published. The Excise officers had to run the gauntlet of all the aspiring printers and publishers in the kingdom, some of whom were members of our committee and quite ready for the fight.

Mr. Timm was paralysed when Mr. Holyoake asked him whether he incurred any liability by publishing a pamphlet, price threepence, entitled "Abstract of the Laws affecting the Condition of Women." The laws affecting the condition of women are matters of Church and State, matters which it was not lawful to publish at a lower price than sixpence without having entered into a bond of £400 to the Crown, backed by two sufficient securities.

It had been well established that it had been the practice of the Inland Revenue not to require the Security from any publication from which they did not require Stamp Duty. The order issued under the advice of the Law officers was therefore an order for a novel practice. How was the publisher of an illegal pamphlet to know that he was safe?

Why could not Mr. Timm say, as Mr. Keogh said at last, in the eighth letter of the series, "We have no hesitation in saying that we do not intend to depart from the existing practice with regard to pamphlets"?

Under Section 13 of 60 Geo. III. cap. 9, Mr. Holyoake *was* liable to a fine of £100 for not having taken a copy of this pamphlet to Somerset House. Had he done so, and had the proper officer there refused to receive it on the ground of the pamphlet not being within the true intent of the Act, he might have required him to give him a certificate which would exonerate him from any penalty for not giving it in.

Mr. Timm might have referred Mr. Holyoake to this,

the 14th Section of the Securities Act. But Mr. Timm never seems to have devoted to the study of this Act the assiduity which such a work of elaborately artistic legislation deserved from those who were appointed to be its ministering priests. Of course it suited our purpose that Mr. Holyoake should have the opportunity of engaging with the Board in a correspondence which displayed to the world their inconsistencies and illegality. But it was really they who dragged him into correspondence. Why did they not answer his question? If they had, what rejoinder could he possibly have made? When they *did* answer he did not cease writing, but the question he asked had no longer any reference to his personal liability, which was his justification for commencing the correspondence.

When, a little later, a similar question to Mr. Holyoake's was put to Mr. Timm, he found no difficulty in dealing with it. Messrs. Judd and Glass, of New Bridge Street, when they forwarded a pamphlet, were informed that it was not one for which security was required from the printer or publisher.

It does seem rather cruel on our part to have censured the Board for their thirty-eight years' abstinence from the enforcement against pamphlets of a law which we held to be unjust and impolitic. But one of the swiftest arrows in our quiver was the pointing out of the contrast between the laws in the Statute Book and the practice of the Inland Revenue. Besides, *if* the Security System were a necessary protection against newspapers, it must have been much more necessary against pamphlets. When a newspaper libelled any man it was possible to compel an apology to be published in the same paper, so that it would be read by everybody who had read the libel. A pamphlet, now that any printed matter might be posted at a penny for 4 oz., might be sent broadcast, and, if damages were given in an action, there was no security that the contradiction or the conviction would reach the eyes of those to whom the pamphlet might have been addressed in a careless wholesale issue or in a malicious and careful selection.

If the Board of Inland Revenue was exposed to ridicule for its continuation of a perennial exemption of pamphlets, it suffered a much more painful exposure when it exempted from the security and registration laws, on the pretence that it was not a newspaper, a weekly paper

published at one penny containing news, intelligence, and occurrences, constantly discussing matters in Church and State, and attributing to the Prime Minister a treasonable connection with a foreign Power.

The paper in question was known by the title of the *Free Press*. The *Sheffield Free Press* had been for some years the property of Mr. Isaac Ironside, who having become convinced of the importance of the views of Mr. David Urquhart respecting the treasonable character of Lord Palmerston's diplomacy, had devoted a considerable part of his paper to the exposition of these views. When the Stamp was repealed, he published this part of the paper separately, under the title of the *Free Press*, omitting the word "Sheffield." To this paper I was a contributor. In August, 1856, it was removed to London and published in quarto. I was appointed editor and manager. I continued to be a contributor and either editor or sub-editor till it ceased in January, 1877.

Securities had been entered for the paper at Sheffield. These ceased to be operative as regarded the paper when published in London. The printer received a notice from Somerset House and, of course, communicated it to me. I wrote back to request that all future communications might be made to Messrs. Ashurst and Morris. I received no further notice. I learnt afterwards that the subordinate officer who had sent the notice had been rebuked for his officiousness.

When the circular was issued, publishers began to write to me. I sent them copies of the *Free Press* and told them to send them to Mr. Timm and ask him why he did not compel the *Free Press* to register and give security. The result was a good deal of interesting correspondence. Thus when Mr. Timm informed Messrs. Ashurst and Morris that the Board was about to begin proceedings against Mr. John Heap of the *Bury Times* for not having given the necessary securities, they asked if the *Free Press*, which was calumniating the Prime Minister, had given security against libel. Mr. Timm replied that the *Free Press* had nothing whatever to do with the case of their client, and that he declined to enter into a discussion upon it. Messrs. Ashurst and Morris retorted that on further reflection Mr. Timm ought to see the justice of putting the proprietors of newspapers on an equal footing. The law ought to be enforced against all or none. Mr. Timm having taken

refuge in silence, Mr. Ayrton elicited from the Chancellor of the Exchequer that the *Free Press* was to be left alone, because it was not considered to be a newspaper. Yet it contained "news, intelligence, or occurrences," and was published at intervals not exceeding twenty-six days.

The Solicitor of Inland Revenue did not monopolise the correspondence respecting the exemption of the *Free Press*. The Secretary to the Board enjoyed a share of it. Thus, Messrs. Percy and Crow, of the *Dunstable Reformer*, on receiving an order to forward to the Stamp Office a copy of their publication, demurred on the ground that, if the *Free Press* was not a newspaper, theirs was still less so. After five weeks' reflection, Mr. Timm sent the majestic reply that the Board would deal with the publication called the *Free Press* "as to them shall seem meet." Again Mr. Dare, of the *Western Mercury*, on being challenged by the Board, produced his copy of the *Free Press*. Mr. Timm now resorted to quite a new argument. The *Free Press* was not a newspaper when the Chancellor of the Exchequer alluded to it, but it might have since become one. In reply Mr. Dare forwarded him a volume of the *Free Press*, and pointed out that it contained parliamentary reports, reports of public meetings, and despatches. He finally requested that further communications might be addressed through Messrs. Ashurst and Morris. Mr. Timm, however, who liked to have only one case on his hands at a time, left him alone. The correspondence was published in the *Free Press* with a scathing article by Mr. Urquhart. The prosecution of the *Free Press* would have put him to inconvenience and perhaps involved him in expense; but he never required me to report to him that I was advising everybody that was called on to give security to justify himself by the example of the *Free Press*. The trial of the *Bury Times* took place before the Court of Exchequer on November 28, 1857. In spite of Mr. Serjeant Parry's eloquent defence, in the course of which he called the Chancellor of the Exchequer as a witness, the Chief Baron summed up against Mr. Heap. The question of caprice on the part of the Board did not come, said he, before the jury at all. They virtually found a verdict for the Crown, whereupon Mr. Heap registered the *Bury Times*, and entered into recognisances for it. The penalties were remitted, and when

Lord Derby and Mr. Disraeli came into office in 1858, they remitted the payment of the Government costs. Mr. Heap's own costs, of course, were paid by our Association.

On the same day as the trial of the *Bury Times*, the case of the Queen *versus* Barry was decided in the Court of Exchequer by Baron Bramwell. Mr. Barry had invented a process for making skins into pulp and then pressing them into sheets of parchment. The Inland Revenue said that this was paper, and demanded the duty. Baron Bramwell decided, first, that it was a question of law, and consequently that it must not be put to the jury. Then he decided that in law pulp parchment *was* paper, and, therefore, liable to the duty. But he added that both these decisions were liable to appeal. The chief argument against pulp parchment being paper was that it was parchment, which was understood to be an animal, while paper was a vegetable, substance. The Paper Duty Act, 2 & 3 Victoria, cap. 23, sec. 66, was not so much a definition of what paper is, as a refusal to give any definition. It enacted that all paper was paper "of whatever materials made" and "however manufactured." The Inland Revenue, therefore, if protected by the Court of Exchequer, could have its own way and extend the Duty at pleasure. Under such a description it would have been difficult to prove that anything was not paper, if it could be written upon, or made into a box, or used to wrap up parcels, or to roof a house or a shed.

This unusual and rapacious proceeding at Somerset House made us somewhat indignant, but it was not our policy to restrict the proceedings of the Inland Revenue.

We set about considering what new articles might be subjected to the tax, so as to augment its unpopularity. But it was some time before we took any steps in that direction.

CHAPTER XV

THE HOUSE OF COMMONS CONDEMNS THE PAPER DUTY

THE year 1857 had brought us much trouble and little profit. The only thing we had tried to obtain, and had secured, was the drawback on the waste cuttings of envelopes. This was a gain to us; not that it relieved any of the printers and publishers in whose welfare we were interested, but because it led the Inland Revenue into a course of proceeding in which they would be pretty sure to stop when the next step was proposed to them, thus strengthening our case for the total exemption from duty of every sort of paper by the repeal of the tax. If 1857 gave us the drawback on the waste cuttings of envelopes, 1858 engaged the Inland Revenue and the Treasury in a correspondence in which they refused a drawback on the waste cuttings of writing paper.

In the Court of Exchequer we were defeated, as a matter of course, in our defence of the *Bury Times*; but the refusal of the Treasury, through its real head, the Chancellor of the Exchequer, to permit the prosecution of so glaring a violation of the newspaper laws as that of the *Free Press*, must have been a severe blow to the activity of the Board of Inland Revenue, and one which they had certainly not deserved from the Government, since, while on the one hand they had expounded the law (so far as newspapers were concerned) to all who inquired about it, they had not enforced it till distinctly told by the Law officers of the Crown that this was their duty.

The defeat of Lord Palmerston's Government (February 19, 1858) on Mr. Milner-Gibson's amendment to the Conspiracy to Murder Bill rather pleased us than otherwise. We were not sorry to try our swords against foes who had at least the charm of novelty. Manchester, too, was full of enthusiasm for the triumph of its old member over the Minister who had been the cause of his

ejection from Parliament the year before. The enthusiasm took the shape of a meeting in the Assembly Room of the Free Trade Hall at Manchester to promote the repeal of the Taxes on Knowledge, with Mr. George Wilson, the chairman of the Anti-Corn Law League, presiding. Mr. Milner-Gibson made a most stirring speech, in which he passed the history of the Paper Duty under review; and pledged himself not to rest until he had brought about its total and unconditional repeal.

On April 15th, Mr. Milner-Gibson introduced a deputation from our Association, accompanied by one from the Yorkshire paper-makers and several members of Parliament, to Lord Derby. The usual addresses were read, setting forth the iniquities of the system, and then the Prime Minister made reply. We had no reason to complain of his tone; he was frank and conciliatory. He admitted that the tax was open to grave objections both in principle and detail, and, but for the exigencies of the revenue, he should favour its repeal. The Chancellor of the Exchequer, however, could not afford to sacrifice over £1,000,000, and we must wait until the Conservative Government had reduced the expenditure. He further pointed out that since 1838 the amount of paper annually produced had nearly doubled, and argued thence that the duty was not so very obstructive after all. He forgot, however, that in 1836 the duty was reduced one-half, and that a repeal would, of course, have a greater effect in fostering the manufacture than a reduction. The ruin of small paper mills was owing to our "high state of civilisation," which promoted the growth of large capital. But could he have discovered an untaxed manufacture in which, while the amount produced annually had doubled, the number of manufactories had been diminished?

Mr. Milner-Gibson's great opportunity came during the debates on the Budget. The financial statement of Mr. Disraeli was made on June 19th. He harangued the House on the importance of preparing for the abolition of the Income Tax, an abolition for the desirability of which he was able to quote the opinion of Mr. Gladstone. He reduced it from sevenpence to fivepence in the pound, raised the duties on Irish spirits, and showed his impartiality by leaving alike undisturbed the duty on paper and the duty on hops; the latter remarkable

for the manner in which it was assessed, being such that an over plentiful crop was calculated to ruin the hop-grower, whose duty was charged, not according to the price but the weight of his crop. Mr. Disraeli's Budget, as we remarked in our *Gazette*, was but the complement of Lord Derby's speech. Mr. Milner-Gibson, therefore, upon going into Committee of Supply on the Education Estimates, moved :—

" 1. That it is the opinion of this House that the maintenance of the Excise on Paper as a permanent source of revenue would be impolitic.

" 2. That such financial arrangements ought to be made as will enable Parliament to dispense with that tax."

He excused himself for not bringing forward his proposition as a substantive motion on the ground that it was essentially an educational question. He claimed Mr. Disraeli and Mr. Gladstone as in its favour, and asked the House to observe that he did not wish to upset the financial arrangements for the present year, but merely to obtain a contradiction of the statement that the Paper Duty was in itself a good source of taxation. Sir George Lewis objected that the House ought not to bind itself by an abstract proposition to the reduction of a particular tax.

Mr. Disraeli's position was that of the guardian of the public purse. He looked upon the tax on paper as one of those taxes which, when a favourable opportunity arose, he would gladly see erased from our fiscal system; as well in a commercial as in a moral, literary, and educational point of view, he would be glad if he could feel it his duty to propose the remission of the tax. But Mr. Milner-Gibson asked too much. Mr. Disraeli agreed with him " that the maintenance of the Excise on Paper as a permanent source of revenue would be impolitic," although he did not see the use of pressing such a declaration on the House. He could not agree " that such financial arrangements ought to be made as will enable Parliament to dispense with that tax." Mr. Milner-Gibson consented to withdraw the second part of his resolution, and the first part was accordingly agreed to without a division. The condemnation of the Paper Duty by the House of Commons had not the appearance of a triumph for our cause, but it placed it in the position of being sure to triumph if those who had it in charge persisted in the course which they had adopted.

Among those who for some years had carried on a quiet agitation against the Advertisement and Paper Duties, and especially against the Advertisement Tax as being so unimportant to the revenue, the most persevering and one of the most disinterested was John Francis, the publisher of the *Athenæum*. He had had the satisfaction of seeing his pet hatred, the Advertisement Duty, the first of the three taxes to break down. The *Athenæum* had from the first supported our movement against the Stamp, but our political method was rather too aggressive to be pleasant to his feelings. The *Athenæum*, though no advocate of privilege, was, as a matter of fact, one of the privileged papers. It stamped only for the post, and its variety of information was such as to make it a great deal more like a newspaper than the *Spectator* of the year 1712. It did our cause an immense and a willing service by thus displaying the unfairness of the Government. Its publisher could scarcely be expected to join us in calling on the Attorney-General to prosecute him. Now that all this was past and gone, Mr. Francis offered himself to bring into the cause a very large class of persons who were interested in getting rid of a tax which did so much mischief both to literature and to trade, and to weld them into a body to act together.

A grand meeting of our Association was accordingly held at Fendall's Hotel on the 24th of June, at which Mr. Joseph Cook, M.P., moved, and Mr. John Francis seconded, a resolution instructing the Committee to take measures for obtaining a conference with the representatives of the London Press. We met at Peele's Coffee-house under the presidency of Mr. Milner-Gibson. After Mr. Francis had urged those present to stand to their purpose, and the repeal of the Paper Duty would be a question of a very few months, two resolutions were passed. The first, moved by Mr. John Cassell and seconded by Mr. W. Clowes, requested the Newspaper Press to make a vigorous effort to obtain the repeal of the Paper Duty in the ensuing session. Mr. Fowler of the *Standard* and Mr. Samuel Lucas of the *Star* moved for the appointment of a committee to carry out that design, and to co-operate with the Association working for the repeal of the Paper Duty. Their exertions were by no means confined to London; a deputation visited Edinburgh and Dublin, and the result was an active

association in each of these places. An association was also formed at Birmingham to protest against the tax as injurious to the trade of the town. There were popular gatherings, such as visits to Mr. Houghton's process for the conversion of flax refuse into half-stuff, and Mr. John Cassell delivered a lecture at Birmingham. Finally a canvass for Parliamentary support produced the names of 101 members of Parliament as vice-presidents, of whom only 31 had already voted for the repeal.

At our Annual Meeting, held on February 2nd, Mr. Milner-Gibson boldly declared that "to pass resolutions and then to ignore them was to bring Parliamentary Government into contempt." Lord Derby, when interviewed on the 11th by a very strong deputation from the Association for the Repeal of the Taxes on Knowledge, the Society of the Representatives of the London Periodical Press, and the kindred associations in Scotland and Ireland, was far from endorsing that sentiment. He adhered to his old position that, though the tax was objectionable, the revenue could not afford to dispense with £1,000,000. But he did not venture to question the accuracy of those who told him that the repeal of the tax would improve the revenue ultimately. If, therefore, the House could be induced to pass a second resolution still further condemning it, we did not anticipate that Lord Derby would provoke a contest with the popular branch of the legislature. Pending that event, we did not relax our efforts. Public attention was called once more to the Security System by the republication of a letter we had addressed in 1855 to the Attorney-General. In a letter to the Solicitor-General, Sir Hugh Cairns, we reminded him that he had rendered himself liable to penalties amounting to £120 by republishing his speech on the Government of India in pamphlet form. We called his attention to Sierra Leone, where, after Colonel Hill, the Governor, had introduced the Security System for the purpose of suppressing the *New Era*, a paper that was obnoxious to him, his ordinances were, at our instigation, repealed by an Order in Council. Finally, we requested the Solicitor-General to give his support to Mr. Ayrton, who had promised to bring in a Bill to repeal the whole of those obsolete and anomalous regulations.

Mr. Ayrton's Bill passed the House of Commons, but he was not able in 1859 to persuade any peer to introduce

it into the House of Lords. It was not till 1869 that the Bill, with some slight alterations, became law. The difficulty of obtaining the repeal of obnoxious and nearly obsolete statutes seemed to be increased rather than diminished when there was no payment of a tax involved. The Inland Revenue officers were not very earnest when their proper duty, the collection of the revenue, was not concerned, and, so long as they did not prosecute, most people were neglectful of what appeared to be only a theoretic grievance. We certainly produced very little effect by an appeal to the retiring Home Secretary, Mr. Sotheran Estcourt, to sweep away the ruins of the Newspaper Act of 1836. Even the new Administration would not find a peer to introduce Mr. Ayrton's Bill into the House of Lords. Mr. Ayrton would have asked Lord Ripon, who had long been a member of our committee, but he was Under Secretary for War, and could not introduce a Bill unless it were brought in by the Government.

The change of ministry had been occasioned, of course, by the defeat of Mr. Disraeli's Reform Bill on the second reading, and the vote of want of confidence carried by 333 votes to 310 after the general election. It caused, too, a resignation in our Society which, under other circumstances, would have been deplorable. Mr. Milner-Gibson, having accepted the chairmanship of the Poor Law Board, which appointment he exchanged for the Board of Trade after it had been refused by Mr. Cobden, felt called upon to give up the presidency of our Society. The Committee "tendered him their best thanks for his support and assistance during the past ten years, and expressed their confidence in his assurance that he would do all in his power to carry to their completion the objects of the Association."

CHAPTER XVI

THE BOARD OF INLAND REVENUE CONVERTED

TILL the compulsory Newspaper Stamp had been repealed, we had not treated in a particular manner the iniquities of the Paper Duty; that is to say, we had not directed our action to the peculiarities of its collection. We had found nothing so effective in getting rid of the Stamp as the compulsion we put upon the officers of the Inland Revenue to take a line upon particular cases. If they took different lines in different cases, so much the better for us; and if they took both lines upon one case, that was the best of all.

Nowhere did our arguments, thus practically enforced, produce so distinct an impression as at Somerset House; and it was in perfect sincerity that Mr. Timm surprised Sir George Lewis, when he altered Mr. Gladstone's Bill, by saying of the newspaper system, "Sweep it all away." The Board was open to enlightenment, not from parliamentary speeches or the writings of political economists, but from its own failures whenever it attempted to redress a grievance without destroying the tax which was found grievous. The progress of the enlightenment of the Board is frankly and sometimes naïvely displayed in its reports.

Sir Henry Parnell, the father of financial reform, had in his Report on the Paper Duty, published so far back as 1835, done great service by his recommendation that the Board of Excise should cease to give its decrees in secret, and should enter into communication with such manufacturers and traders as thought themselves aggrieved by their proceedings. Before that, an applicant had no assurance that his letter had ever reached the Board, and as answers were never sent directly, but through the supervisor who received his instructions from the collector, he had no security that the decision was correctly stated. If Sir Henry Parnell

could have read the correspondence we have summarised between the Inland Revenue and the Treasury on the one hand, and the envelope makers and the vendors of writing paper on the other, he would not have been at such a loss to understand why the Excise Board avoided all intercourse with those whom it was their office to tax. The correspondence thus promoted by Sir Henry Parnell gave rise to a co-operation, not of the traders with the department, but of the department with the aggrieved traders. Sir Henry Parnell's recommendation had certainly been accepted.

When our Association came upon the field we found the Board of Inland Revenue, in which body the Commissioners of Excise had in 1849, by the 12 Vict. cap. 1, been amalgamated with those of Stamps and Taxes, always ready to reply directly to everybody who complained of being personally aggrieved by them. They did not, however, consider themselves bound to discuss their proceedings with private persons not under Excise survey, or with societies who might object to their proceedings. In conducting any correspondence with them we were therefore reduced to cases in which we could get aggrieved parties to copy and sign the letters which we drew up for them.

From the complacent view that "there is scarcely any duty in the collection of which our interference is so little felt," the Inland Revenue in its next report passed to a state of paralysis. It stated that:—

"The expectation that the Paper Duty would be repealed on the first favourable opportunity has for many years been a source of embarrassment to us in the collection of it. On all duties which are levied on articles in the process of manufacture, the continual introduction of new methods of working, of new materials, and of new inventions to suit the taste of the public, require corresponding alterations in the laws under which the duty is chargeable, and in no case has there been so great a necessity for those alterations as in that of the Excise on Paper. But in the circumstances in which this duty has so long been placed, and more especially since it has been condemned by the House of Commons, it was impossible to lay before that House a Bill for amending and altering the regulations under which it was collected. We were, therefore, forced either to meet the requirements of the trade by such expedients as could be resorted to without the intervention of the legislature, or, by rigorously maintaining our existing regulations, to oppose a barrier to the natural progress of invention, and to run the risk of thus accelerating the extinction of a large source of revenue, which it was our duty, so long as the Government required it, to foster and extend. It is scarcely necessary to say that we chose the former

alternative; and we venture to think that a reference to our return to an Order of the House of Commons, in January, 1858, 'of all exemptions or drawbacks allowed from Paper Duty,' would satisfy any one that the concessions which have been made were such as could not reasonably be withheld.

"At the same time, each step of this nature has involved us in fresh difficulties, and brought upon us fresh demands, and great caution has been requisite to avoid giving to any one branch of the paper trade an advantage over its rivals."

Although the confusion between cases which had been exempted and those that had not paralysed the Board, they ran the risk of a more complete failure by bringing under the term "paper" something that had never been called paper before. This they did in the parchment-pulp case which we have already mentioned. Why did the Inland Revenue wait twenty years before they acted on an authority conferred upon them by the Paper Duty Act of 1836, and why, having let it alone so long, did they put the Act in force when so many articles were slipping away from the duty by the force of analogy? We have no clue to an answer to this question. But if the archives of the Inland Revenue could be revealed it is possible that a great deal might be explained that is still a mystery.

We naturally made strong play with Mr. Barry's grievance in the petition which we presented to Parliament at this time, and in a memorial read to the Chancellor of the Exchequer, Mr. Gladstone, when, on the 19th of November, he received a deputation from our Society. We argued that felt, the best sorts of *papier-mâché*, glazed calico from which children's bibs were made, and scaleboard came under precisely the same denomination as pulp-parchment, and yet they were all most unfairly exempt from taxation. "The Legislature," we declared, "is become a mere Court of Registration for the decrees of the Board of Excise." An absolutely new Statute was necessary if Mr. Gladstone was not prepared to repeal the Paper Duty. At his request we produced a second memorial stating the case in specific propositions. These, fourteen in number, were drawn up by Mr. Ayrton, and with two exceptions Somerset House accepted them.

We wish to complete in this chapter the narrative of the conversion of the Board of Inland Revenue. We therefore go forward a little to the 10th of February, 1860, when Mr. Gladstone brought forward his measure

for the Repeal of the Paper Duty, announcing that the Inland Revenue considered it an untenable duty. This statement was met with such incredulity that three Commissioners drew up a paper, from which we extract a few striking passages. They say :—

“ We beg leave to state that it is our deliberate opinion that the Paper Duty (to use the words of the Chancellor of the Exchequer) ‘is rapidly becoming untenable,’ and we hope to satisfy your lordships that this opinion is not inconsistent with those which we have previously expressed on the subject.”

They go on to say that they still think the Excise does not interfere much with the process of the manufacture of paper, but that it interferes very much with the trades that use paper.

Then they show that the system of drawbacks for special trades that use paper inevitably leads to an extension that must make the tax more and more intolerable.

The following recognition of our hornets’ nest was particularly complimentary to those who had constructed it.

“ Your Lordships may remember that all our difficulties in this respect have arisen from an attempt to restore the balance between the envelopes made at a paper-mill and those made by stationers, disturbed as it was to the disadvantage of the latter by their waste cuttings being subject to the duty, while those occurring at the mill are reconverted into pulp before the charge of duty is made. It is impossible to deny that the principle on which we thus acted is of more extended application, but we have elsewhere fully explained to your Lordships how impracticable it would be to attempt to carry it into effect.”

As to the pulp parchment case, they acknowledge that their conduct could be justified only by necessity.

“ We should otherwise gladly have abstained from interfering with this new and ingenious production, which we fear has been entirely suppressed by the judgment which placed it under the revenue laws.”

Thus, as John Stuart Mill afterwards said, we had converted the Department. This was indeed the second edition of Mr. Timm’s “Sweep it all away.” We obtained a good deal of credit for our victory. We deserved it for our persistent and intelligent energy; for the envelope makers had not bestirred themselves and employed us as their representatives. We had succeeded in inducing one firm to copy and sign our argumentative letters, and to go on doing this for ten

months till the Board were convinced, and wondered why they had not been convinced before.

And we deserved credit for our astuteness, for we argued for equality of treatment because we knew that if that equality could be sufficiently extended it would break down the duty, and we hoped that the anticipation of this result would promote its attainment.

But the men whose souls dwelt in the bodies of Commissioners of Inland Revenue have never received the generous appreciation *they* deserved. It was in the attempt to restore the balance that they broke down. Had they been as stupid as they professed and sometimes tried to be, they would not have felt the force of the arguments to which they so often yielded a tardy acquiescence; and had they been brutal enough to resist every attempt to escape from the fetters of the Excise, they might have kept the Paper Duty alive for some years longer.

Certainly the names of Charles Pressly, C. J. Herries, and Alexander Duff Gordon deserve to be remembered for the grace of their final manifesto for the Repeal of the Paper Duty.

CHAPTER XVII

REPEAL OF THE PAPER DUTY PROPOSED BY THE GOVERNMENT

THAT our President should become President of the Board of Trade, with the understanding that Mr. Gladstone, who had repealed the Advertisement Duty, and brought in a Bill for the Repeal of the compulsory Newspaper Stamp, would complete the work by the repeal of the Paper Duty, was very encouraging to us, and we opened our proceedings by our annual public meeting on the 22nd of February, 1860, at St. Martin's Hall, in very good spirits. Mr. Ayrton presided in the place of Mr. Milner-Gibson, and the meeting was attended by Dr. Watts, who moved the first resolution; by Mr. Charles Knight and Professor Key. The position as we understood it is given in our *Gazette*, No. 29. Mr. Gladstone had already brought in his Bill for the Repeal of the Paper Duty, accompanied by an increase of a penny to the Income Tax, which raised it to tenpence in the pound.

As we remarked at the time, Mr. Gladstone's measure accomplished, in the most ungrudging manner, that exemption of the Press from all taxation which we had for the last eleven years been demanding. It repealed entirely, from the 1st of July, the Excise and Customs Duties on Paper, allowing a drawback on all stocks in hand on that day. It granted to all printed matter a postage at 4 oz. 1d.; 6 oz. 1½d.; 8 oz. 2d.; 12 oz. 3d.; and so on, adding one penny for every four ounces. This last privilege was greatly owing to the representations of Mr. Francis, the publisher of the *Athenæum*, who had long and carefully advocated the three half-penny stamp. The measure removed from newspapers the odium of a privilege on less ephemeral matter—the impressed stamp being repealed and with it the privilege of re-transmission.

Mr. Gladstone's speech, which was in his lighter vein, began with the assertion that he knew but one argument against the abolition of the tax—that it was a growing one. That meant, however, that we had a growing literature and a growing trade. It had been condemned by the House of Commons, with the full concurrence of the responsible Executive of the day. That judgment was a material element in the case. Besides, the duty was untenable; it operated heavily on paper required for books brought in large quantities by the enterprise of publishers within reach of the poorer classes, while the literature produced by the wealthy classes was charged with a light duty.

"It has these two characteristics, to which I call the special attention of the committee. In the first place, *the material with which it deals is a material of almost boundless scope*. Everything that is fibrous may in one manner or another be said to serve the purpose of making paper. We have been speaking of the production of British and foreign wine, and I heard of a recommendation that was given to a large manufacturer of British champagne made out of rhubarb, that, after he had got all the champagne out of the rhubarb, the remaining fibre should be made into paper. That appears to me to be a very good recommendation. Really and seriously, whatever has fibre could with skill and enterprise in all probability be made available for the purpose of manufacturing paper, were it not for the obstructions of the Excise department. I have got here a list of sixty-nine trades in which paper is largely used, including the businesses of anatomical mechanists, boot and shoe makers, cap makers—paper being used for the peaks of caps instead of varnished leather—comb makers, doll makers, optical instrument makers, looking-glass makers. Those trades, with several others, make use of paper, and a person asked for information on the subject, said, 'I could make beehives of paper, and panels of doors, and, above all, I look forward to build a carriage with paper when the duty is off.' Another manufacturer says, 'Is it just or proper to tax ingenious inventions, when we see indiarubber being made into strong and durable combs and other articles?' I think there is great force in that. Again, he says, 'that paper pipes are being made prepared with bitumen and capable of standing the pressure of 300 lbs. of water.' But the great advantage that will arise from this particular change, in the opinion of the Government, is this—that *it will promote a diffused demand for rural labour*. It will not merely stimulate the process of making paper in the great centres of industry, but it will promote the manufacture in all parts of the country where there are streams of water, and villages, and good and pure air."

"The village mills," said Mr. Gladstone emphatically, "have been shut up, and I want them to spring up again." Mr. Gladstone concluded with a lucid explanation of the details of his Bill, which we have already given.

We warned our supporters that the repeal of the Paper Duty was only proposed; its accomplishment depended on the country. We therefore circulated a short petition, and earnestly requested our friends to obtain as many signatures as possible. Of the opposition in the House we were not very much afraid, but we took the usual means to defeat it. The Press Association held an important meeting at Peele's Coffee House, which was well reported, and we obtained permission to establish a museum of paper, made from other materials than rags, in the passage between Westminster Hall and the House of Commons, which served as an entrance for Members. There were two motions moved against Mr. Gladstone's proposals for the repeal of Excise and Customs Duties on Paper. Sir William Miles grounded his opposition to the repeal of the Excise on his objection to an additional penny on the Income Tax. Mr. Puller proposed to retain the penny import duty upon the paper of every country which put an export duty on its rags. Mr. Puller's amendment, however, was never actually moved, though he continued all the session in one way or another to bring the matter before the House. Sir William Miles's was produced on the second reading, and after a long debate, chiefly between himself on the one side and Mr. Gladstone on the other, the original motion was carried by a majority of 53 (Ayes 245, Noes 192). The Bill was safe so far as the House of Commons was concerned.

In the meantime the repeal of this duty, which had been considered the respectable portion of an anarchic scheme, and had been proposed by the *Morning Post*, with the intention, pretty openly avowed, that it should supersede our other demands, was treated with more harshness of language than people had thought it wise to treat the demand for the repeal of the Newspaper Stamp. Paper-makers invaded the lobby of the House of Commons and demanded protection against the foreigners, who put an export duty on their rags, which, it was pretended, formed the only material from which good white printing paper could be made. Mr. Bohn, the great publisher of classical works in a convenient form and at moderate prices, lamented that the removal of the duty would involve the loss of the drawback upon his exports.

If the repeal of the Paper Duty found less favour in fashionable circles, there was no change in the feeling

of the people at large, or if there was any, it was that the approbation of the measure became more marked. Meetings, it is true, were called to oppose the repeal, as involving an increase of a penny in the Income Tax. But these were not so successful as such meetings had been at the end of the Crimean War. Some members of our Committee attended such a meeting in the Vestry Hall of the parish of St. Pancras, and had the pleasure of hearing a gentleman, entirely unknown to us, propose a Resolution for a Tenpenny Income Tax, in order to secure the immediate repeal of the Paper Duty. The Resolution was carried by a good majority. When the House of Lords, after the Tenpenny Income Tax had received the Royal Assent, rejected the Bill for the repeal of the Paper Duty, the feeling in its favour rose to the height of enthusiasm.

The most remarkable part of the reaction in favour of the Paper Duty came from the Paper Makers' Association, in which Mr. Wrigley, who, a few years before, had subscribed £50 to a Paper Duty Repeal movement, now headed the resistance to Mr. Gladstone's Bill, while Mr. Crompton, who had been at the head of that movement in 1851, now also opposed the Bill. It is true that they declared themselves still friendly to the repeal of the Excise, but only on condition that there should be a penny a pound import duty on foreign paper.

CHAPTER XVIII

THE LORDS' AGGRESSION

MR. WRIGLEY said that the import duty of 2½d. per pound imposed on foreign paper when, in 1836, the Excise was lowered to 1½d., was meant not to recoup the loss on the Excise, but as a protection against the French prohibition of the export of rags. He insisted that after the Excise was repealed the penny import duty ought still to be retained.

The notion that the English paper-makers were going to be ruined by the French export duty on rags was absurd, though not much more so than the idea of the French that they would be ruined if they gave it up. Still we thought it worth while to publish three disquisitions upon the erroneous statements that were made in its support. We maintained the right of the consumer to get his raw material wherever he could purchase it, without reference to the interest of the manufacturer. We referred to the fears of the French on the other side, and showed that at the present time a single order to France raised the price of paper there.

While we were contending with the paper-makers we were startled by the news that notice had been given in the House of Lords to reject the Bill for the Repeal of the Paper Duty, although the Act for raising the Income Tax to tenpence had received not only a vote of assent in the House of Lords but that of the Crown, so that the revenue to be derived from the Paper Duty was not required for the service of the year. As we expressed it in our *Gazette* next year we had been jockeyed and by the old Tories. Regarding Lord Palmerston as one of themselves, and thoroughly approving his Fortifications Bill, they hatched a conspiracy against Mr. Gladstone. Mr. Francis was greatly distressed at the gradually fading popularity of the Chancellor's Bill. On behalf of the Press Association he proposed to Mr. Milner-Gibson a deputation to Lord Palmerston. Mr. Milner-Gibson said he would consult me. When he

did so, I objected that such a measure would be an insinuation that Lord Palmerston was intriguing against the Bill. "I think it would," was his rejoinder. No deputation took place. I had no doubt that Lord Palmerston *was* intriguing against the Bill, but I did not say so.

The first indication in our minute book of the approaching struggle in the House of Lords is on May 11th, when the Secretary and Mr. Francis were desired to wait upon Lord Brougham, and an address was voted to the electors of the United Kingdom setting forth that the Upper House would overstep its functions and commit an act of usurpation by retaining a tax surrendered by the Crown and revoked by the Commons. Lord Brougham could not attend in the House of Lords because that day had been fixed for his inauguration as Chancellor of the Edinburgh University, but he promised to leave his proxy in our favour. It is not among the proxies recorded in Hansard. We wrote to several other peers requesting an interview. Lord St. Leonards declined, alleging that he meant to vote against the Bill. We received the following reply from Lord Lyndhurst :—

"As I am at present unwell, and do not intend to take an active part in the debate respecting the duty on paper, I beg respectfully to decline the proposed interview as occasioning fruitless trouble to the gentlemen of the deputation."

When, on the 21st of May, the debate on Lord Montague's motion took place, the speech of the evening, on which all the opponents of the Repeal professed their reliance, was that of Lord Lyndhurst.

It was necessary to bestir ourselves as time passed. We held, accordingly, a meeting in St. Martin's Hall and published three documents—a resolution, a petition to the Lords, and an address to Lord Derby. Our doctrine was important, because it formed the basis of Lord Lyndhurst's speech, though he completely misrepresented it. We said :—

"It has never yet been asserted that the people can be taxed except through their representatives; and it is not competent to the House of Commons to raise money that is not demanded of it by the Crown. There is no real difference between refusing to repeal a tax and imposing one. Nor is the matter altered by the loose practice which has lately grown up of voting taxes for an indefinite term. These can only be considered as part of the ways and means for defraying the expenditure of the current year, and must cease with the consent of the grantors."

The petition was adopted unanimously, and received 1,673 signatures. The address to Lord Derby was carried by a majority, but Mr. Ayrton, who was unable to attend the meeting, strongly demurred to our procedure. He wrote :—

" I should regard any expression of opinion on the course which the House of Lords may deem it right to pursue as premature, and that the House of Commons possesses ample power to assert its own privileges without the aid of any public meeting."

In reply we said :—

" If you mean by this that the House of Commons will not submit to the usurpation involved in Lord Monteagle's motion, we rejoice to hear so cheering an opinion from a representative of the people. As the privileges of the House of Commons are, however, derived in their nature, and exist by virtue of the authority of the communities they represent, and for the good of the people, we deem it our duty to lose no time in vindicating a right which is our own."

This passage of arms did not interrupt the good understanding we always had with Mr. Ayrton. Lord Eversley, who as Mr. Shaw-Lefevre had been Speaker of the House of Commons, undertook to present our petition to the Upper House. Shortly afterwards, however, we received the following letter :—

" When you placed in my hands your petition from the late meeting in St. Martin's Hall, seeing that it was quite correct in matter of form I at once consented to present it, but on reading it through this morning I find the two last allegations are couched in language which I am confident would secure its rejection by the House of Lords, and at all events I cannot take upon myself the responsibility of presenting it unless these allegations are expunged."

" If you will bring the petition to the House of Lords with the allegations expunged to which I allude, I shall be most happy to present it as I intend to support the Paper Duty Repeal Bill."

The paragraphs in question were expunged. They charged the House of Lords (1) with usurpation of the privileges of the House of Commons and of the rights of the people; (2) with unprovoked disrespect to the Crown.

Serjeant Parry, as chairman of the meeting at St. Martin's Hall, wrote to ask Lord Derby to receive the deputation, which he promised to do on the 19th. Serjeant Parry kindly offered the deputation the use of his chambers to assemble in, but we were inviting a good number of persons, and we assembled them at the Trafalgar Hotel.

Lord Derby received the deputation with his usual

courtesy, and in reply to a number of speeches, many of which dwelt on the special evils of the tax and of the pecuniary loss to those who had embarked upon speculations, trusting that as the penny had been enacted upon the Income Tax, the equivalent, the Paper Duty, would certainly be repealed, he gave his views in a speech which occupied two columns of the *Times* and of the *Morning Star*.

Serjeant Parry read the address, and exhorted Lord Derby to follow the example of the Duke of Wellington, who, when he moved the Lords to accept the Bill for the Repeal of the Corn Laws, had reminded them that the Bill had been passed with great earnestness by the House of Commons, and said that their House ought never to reject a measure so earnestly supported by the other House of Parliament.

Lord Derby repeated his admission that the Paper Duty was not a good tax, but reminded us that when that admission was made on the part of his Government in the House of Commons, it was with the drawback that the time had not come for its repeal. He still thought that the revenue required this tax. He contended for the right of the House of Lords to reject a Bill which refused a tax, and he defended the system of permanent taxes as necessary to support a large necessary expenditure. Thus, not like Lord Lyndhurst misrepresenting us, he met us in argument upon our strongest point. He said :—

“ I think I know tolerably well what are the duties and the relations of the House of Lords and of the House of Commons to each other.

“ Nobody disputes that the House of Commons must originate all the taxation to be imposed. The House of Lords has no power of altering it in the slightest degree. If the House of Commons vote a tax for one year the House of Lords has no power to vote it for two. I believe the converse to be also true. If the House of Commons vote a tax for two years the House of Lords has no power to reduce it to one. The slightest modification or alteration would be resented by the House of Commons, and they would vindicate their privileges; but how? Simply that they would not proceed with the measure. The Commons and the Lords disagreeing upon the subject, the law would remain unaltered. But when you state that the refusing to repeal a duty is equivalent to the imposition of a new tax; and then, further (I think I caught the expression in the address), that a loose practice has prevailed of passing a duty for a term of years, definite or indefinite, I must protest, in the first place, against its being termed a loose practice; because it is a practice which, if disregarded, would destroy the very essence

of our constitution. There are certain great departments to be maintained, certain great services to be performed, which it is absolutely essential should not depend upon the annual vote of Parliament, and which the House of Commons, feeling that it ought not so to depend, have placed out of their power, and have passed permanent Acts for supplying the means of defraying the expenses of those departments, and for providing that they should not be interfered with by an annual vote.

"So far, therefore, from its being a loose practice which has grown up, of passing votes for the imposition of taxes for a term of years, or for an indefinite term, it is, as I contend, a vital principle with respect to the greater portion of the revenue of the country, that it should depend on taxes so made permanent. Now the House of Commons has passed a Bill by which the Duty on Paper is made a portion of the revenue of the country, and made a portion of that revenue permanently. It was as a permanent Bill the House of Commons passed it; and if the House of Commons had not passed it as a permanent Bill, the House of Lords would not have the slightest power to deal with it.

"But when the House of Commons has thus passed the Bill as a permanent source of revenue, when it has been accepted by the House of Lords, when it has been sanctioned by the Crown, then there is no authority, save that of Parliament itself, which can undo that which has been sanctioned by Parliament; and to contend for the opposite proposition would be to contend, in point of fact, that the House of Commons, by its own power, of its own authority, and without consulting the other branches of the legislature, has the full right of repealing any and every Act of Parliament bearing upon a financial question.

"A MEMBER OF THE DEPUTATION.—Your Lordship has mentioned that there are several precedents in support of the course proposed to be taken in the House of Lords. May I ask your Lordship whether there is any precedent when a tax having been substituted and become an Act of Parliament, the Lords have refused to repeal the tax for which that substitute had been already provided?

"LORD DERBY.—We know nothing with regard to any substitute at all. I was not aware that the repeal was taken as a substitute for any tax that was imposed. It is part of the general financial statement made by the Government, but I have never seen in any quarter, and certainly not before the House of Lords, any proposal of an alternative tax. It may be quite true that the taking off of this tax renders it necessary to put another penny on the Income Tax; but I am sorry to say that I think it necessary to put on an additional penny of Income Tax and to keep this tax on besides."

The system of permanent excises, that is, of permanent interference with the liberty of manufacturers and of tradesmen, was one to which Lord Derby had been so long accustomed that he did not see that the only thing that prevented it from being intolerable was the understanding that it was sufficient for the House of Commons to be disgusted with any particular excise for it to be

abolished. When Lord Derby said that we claimed for the Commons the right of repealing every Act of Parliament bearing on a financial question he said a little more than was true.

But we did, virtually, claim the right of the Commons to repeal a tax by their sole authority. Lord Derby's conduct, however, contrasts most pleasantly with that of Lord Lyndhurst. Lord Lyndhurst refused to meet us and hear what we had to say, and then misrepresented us, declaring that we had denied any right in the Lords to reject a money Bill. He confined his arguments to the recital of instances in which they had rejected money Bills.

Lord Derby quoted correctly and exactly our own words and expressed clearly his contrary view. He did this after listening to all that a number of persons, who considered themselves specially aggrieved, had to say, although he had requested that the character of the tax might not be brought into discussion, as he had no intention of treating that part of the subject. Of all the Ministers we ever appealed to as opponents Lord Derby was the most courteous. He was more than courteous, he was genial, and an interview with him always left behind it a pleasant memory.

On May 21st Lord Granville moved that the Bill brought from the Commons for the Repeal of the Paper Duty be *now* passed. Lord Lyndhurst, taking for his text the doctrine which he attributed to the St. Martin's Hall meeting, that if the Lords rejected a *money Bill* passed by the other House it would be an encroachment on the privileges of the House of Commons and on the rights of the people, proved that such a doctrine had not been recognised, and he walked out of the House without waiting for the debate, having satisfied all those who wished to reject *this* money Bill that he had successfully vindicated their right to reject any money Bill.

Lord Monteaule, when Chancellor of the Exchequer, had sanctioned the passing of the Penny Postage Bill when it was well known that it would create a deficiency in the revenue which the Commons had *not* provided for in their supply for the year. He had originated the proposal to reject the Bill for the Repeal of the Paper Duty, and he now moved that it be read that day six months. On a division he gained his point by a majority of 89—contents, 104; non-contents, 193.

CHAPTER XIX

THE WORK OF CONVERSION RESUMED—1861

WE were not deluded by the enthusiasm of indignation which arose against the House of Lords and which, in the short space of three weeks, evolved a new society and sent to Parliament 121 petitions with 43,179 signatures. We recollected that twenty-nine years earlier, one September day, the dead walls of London bristled with "Will you be the slaves of 41 Lords?" "Reform or——," that the indignation cooled down, that the Reformers brought in their Bills again, and that though Lord Lyndhurst carried one motion in the Lords, they became wiser, and in the end everything was carried according to the plan which had received the approbation of the people. We knew that time would be in our favour if we did not attempt things which, by their irregularity, were impossible of success.

Lord Palmerston was First Lord of the Treasury. The Treasury would not then allow the Inland Revenue to dispense with the payment of the Paper Duty. If any paper-maker demurred to its payment his demurrer would not be supported by the Court of Exchequer. The judges there would have said, as Lord Brougham *did* say, that the vote of the Lords, though unconstitutional, was not illegal. While, therefore, we took a very modest part in the proceedings of the Constitutional Defence Committee, we applied ourselves industriously to our old task of converting official opponents. We had resisted the newspaper code till the Solicitor of Inland Revenue had asked the Chancellor of the Exchequer to "sweep it all away." We had exposed the Paper Duty till the Commissioners of Inland Revenue had reported that "it was rapidly becoming untenable."

The House of Lords had not resisted the repeal of the Stamp or of the Advertisement Duty; we had not therefore anticipated that it would oppose the repeal of the Paper Duty.

Chiefly at our instance, a number of returns had been made by order of the House of Commons showing the mischievous effects of the Paper Duty. We now apologised to the House of Lords for having neglected to cause the information we had acquired to be laid before their Lordships' House, and we craved their permission to repair our neglect in that behalf. We drew up a petition to the House of Lords, which was presented by the Duke of Somerset before the close of the Session which had been signalised by their unexpected and extraordinary vote. It was not so systematically arranged as that which we had presented to Mr. Gladstone, but still it contained the whole of our case. If Lord Lyndhurst had endeavoured to refute it in the House, he would have found this a more difficult task than that which he imposed on himself.

The meetings of our Committee were continued during the recess. We did not cease from our attempts to press the Inland Revenue with demands both for drawbacks and for prosecutions. There was always an analogy that could be pleaded for either. We endeavoured to persuade the Coventry weavers to petition for a drawback on paper used in blocking ribbons; we encouraged Mr. Towle to require that the Paper Duty should be demanded for the manufacture of felt; and we tried to find some paper-maker who would defend the free import of half stuff against the Inland Revenue in the Court of the Exchequer.

Continuing our agitation upon its old lines, on Wednesday, March 13, 1861, we held our tenth annual public meeting. The enthusiasm, which had been raised to such a pitch in the previous year, dropped low when it was found that there was a deadlock in the House of Commons, which submitted to the usurpation of its privileges. Still the means recommended by the Committee of Inquiry, namely the placing of the whole finance of the year in one Bill, would make it clear that the Commons would have it their own way next time, and that if the new Bill were not thrown out by the Commons, it would have to be accepted by the Lords.

Besides our knowledge that the public was no longer enthusiastic, the expenses of the previous year made it necessary to economise our funds. We did not, therefore, take Exeter Hall or even that of St. Martin, but satisfied ourselves with a meeting in the hall of the

Whittington Club, formerly celebrated as the "Crown and Anchor," where so many public meetings had been held during the agitation for the Reform Bill of 1832, and at previous periods equally stormy.

The chair was taken by Mr. Ewart. Resolutions were moved and supported by Mr. Ayrton, George Augustus Sala, George Thompson, Dr. Watts, and Alderman Towle. The meeting, as usual, was unanimous. The resolutions and the petition (to the House of Commons) treated the matter entirely on educational and economic grounds, and contained no allusion to the rejection of the Bill of last year by the House of Lords.

The intrusion of party into our conflict had made a great change in our position. Still to have a party in the Cabinet on our side was better than to have the whole Cabinet against us, which had been our normal condition. We had a just confidence in the sincerity of Mr. Gladstone and Mr. Milner-Gibson, but this made us feel all the more keenly that we ought not to let the outcry against the Paper Duty drop, or the complaints of those who were injured by it cease to pour in upon the Board of Inland Revenue. We judged it right to assume, not that the repeal was only postponed for a year, but that it was postponed for an indefinite period. We therefore demanded the enactment of a new statute for the regulation of the duty, and its collection in strict accordance with that statute.

We knew very well that this last was an impossibility, but we had found no device more successful than that of engaging the Government to undertake an impossibility. We had impelled them into an attempt to regulate the Newspaper Stamp by legislation. The attempt only proved that the Stamp must go. We had inveigled the Inland Revenue into an attempt to do justice to one class of stationers who were taxed on their waste. They broke down when they were asked to carry this measure into an analogous case presented by another class of stationers. The result of our attempt to obtain drawbacks in accordance with an admitted principle had been the conversion of the Inland Revenue, who declared that the Paper Duty was fast becoming untenable.

We now determined to go on the converse tack, and demand the collection of the duty on articles which were illegally exempted. The Inland Revenue, before they had pronounced against the duty, had obtained a

decision that pulp parchment was paper. By this decision it was made clear that the Acts of 1836 and 1839 declared everything to be paper which answered the purposes of paper. We drew up a case and asked an opinion as to whether felt was paper under these Acts, and liable to duty. The opinion of our counsel, Mr. Hoggins, was that felt *was* paper, and that the paper-makers who were subject to its unfair competition might have a remedy by a writ of right to demand the collection of the duty on this article, which the Inland Revenue had long unwillingly exempted.

The success of such an attempt would have largely interfered with the manufacture of felt, which would have been dearer than paper, if paper had not been subject to duty. It would have taken some months to get such a movement as this under way, but we should probably have made some progress in it had the session ended without an Act for the repeal of the duty.

We inaugurated our attempt by a memorial to Mr. Gladstone, which set forth numerous instances in which the law was systematically violated by the Inland Revenue, sometimes without the consent of the Treasury. We grouped the exemptions under four heads:—
 (1) Those made in defiance of the Act of Parliament;
 (2) Those made through its imperfect construction;
 (3) Those due to the impracticability of collecting the duty; (4) Those made by way of relief to special branches of the manufacture. Under such came our familiar instances—scale-board, felt, and so forth. But we produced a novelty to illustrate the caprice of the Revenue officers.

“The tube which we have here, and which is an excellent water pipe, is made of paper rolled in bitumen. The paper is made and charged with duty in a paper mill, and is then taken to a factory and made into pipes. But suppose the two processes were carried on under one roof, will the Paper Duty or even the term paper be applicable to the result? It is quite clear that as paper must be in sheets, pipes are not paper any more than *papier-mâché* made in a mould. The sending out the pipes is not, therefore, an offence. You cannot compel a man to charge with duty that which he may lawfully sell without duty. You will perhaps fall back on the licence required before a paper-maker can make paper. But a pipe maker is not a paper-maker, and there is no Act to prevent pipes from being made in the same mill where paper is made. This matter is of the utmost importance to an enterprising company who made their calculations when the Paper Duty was supposed to be doomed, and who, in the arrangement proposed, would derive a double benefit.”

On Wednesday, April 17, 1861, our Committee met, as was their custom on Wednesdays. The Secretary reported on the part of the executive, to whom the memorial had been referred, that they had agreed to it as given above. Mr. Gladstone had appointed first Thursday and then Friday to see the deputation, which included Mr. R. C. Rawlins, Mr. Towle, and Mr. Baldwin. But Mr. Gladstone was again detained at a Cabinet Council. Mr. Frederick Peel, Financial Secretary to the Treasury, received us, and we left the memorial and the paper pipe for him to transmit to Mr. Gladstone. We rather astonished Mr. Peel with this huge pipe, made of paper and bitumen. It somewhat resembled a gun. A quarter of a century later we should perhaps have been stopped by the police as anarchists as we carried it along Parliament Street.

When you have been advocating a particular measure for twelve years, it is exceedingly important to your final success, but it is very difficult, to produce something which an intending reader will not throw away, with the remark, "Only the old story!" At the time of which we are writing we felt that we had repeated our case over and over again, and could put into it no interesting novelty. But with the exception of our exposure of the rag scarecrow, we had found scarcely anything upon the other side worthy of any special notice. We were, as it turned out, just about to publish our last *Gazette*—No. 33. The debate on the introduction of Mr. Gladstone's new Bill for the Repeal of the Paper Duty inspired us with the idea of recording the Parliamentary views on the other side, and of showing to the public in what absurdities the advocates of the Paper Duty had involved themselves. For example we thus picked holes in Mr. Disraeli's flimsy arguments:—

"HOW MR. DISRAELI CARRIES HIS OBJECTS.—Mr. Disraeli, speaking of Mr. Milner-Gibson, prefaced an encomium on the cheap Press by the following statements, of which five are entirely incorrect:—

"The right hon. gentleman told us that he brought forward a resolution inviting the House to repeal the Paper Duty, and that I spoke in favour of the motion. *I did, however, nothing of the kind.* He was, on the occasion to which I am referring, connected with a great and powerful interest, known in common parlance as the Association for the Repeal of the Taxes on Knowledge. In 1850 he brought forward a motion for the repeal of those taxes, and they were described by the right hon. gentleman in four resolutions; but every resolution was put separately, and the first, in favour of

the repeal of the Paper Duty, was *not* put, but was only brought forward, as one among others, to effect that which was a favourite object with the right hon. gentleman—namely, to free the public Press from the shackles by which its progress was impeded. I entirely agreed with the right hon. gentleman in that respect, and have taken every step in my power to carry that object. The right hon. gentleman failed in bringing in his measure in 1850; but every measure, except the remission of Duty on Paper, the direct object of which was to free the Press and to destroy those shackles that prevented its beneficial development, has been passed. What was the second resolution of the right hon. gentleman? It was to put an end to the Stamp on newspapers. That was *put*, and *I voted for it*. The next resolution for putting an end to the Advertisement Duty *was likewise put*. I do not recollect the fourth resolution. Probably it was not of such great importance as the others; *but I know that it passed.*

"On the 19th of April, 1850, Mr. Milner-Gibson brought before the House four resolutions, for the abolition of the Paper Duty, the Newspaper Stamp, the Advertisement Duty, and the Duty on Foreign Books. Only one of these resolutions was carried to a division, namely, that for the repeal of the Paper Duty. For this, Mr. Disraeli gave his vote. The fourth resolution, of which Mr. Disraeli says, 'I know that it passed,' is now before the House, and forms part of the Budget. It is for the repeal of the Duty on Foreign Books.

"Mr. Disraeli, then, did *not* on the 19th of April, 1850, vote for the repeal of the Newspaper Stamp. He never did vote for the repeal of the Newspaper Stamp. On the 12th of May, 1852, he voted, being Chancellor of the Exchequer, against the resolution for the repeal of the Newspaper Stamp. On the 15th of April, 1853, being in Opposition, he repeated that vote, and on March 26, 1855, he voted against the second reading of Sir Cornewall Lewis's Bill for the Repeal of the Newspaper Stamp. We do not, however, question Mr. Disraeli's assertion that he did all in his power to 'carry that object.' The head of the 'Great Conservative Party' dares not, it would seem, give better aid to the object he desires to carry than by voting uniformly against it."

Early in the year 1861 it began to be rumoured that the obstruction to the repeal of the Paper Duty was still in operation, and it was no longer a secret that the Prime Minister was looked to by all who for any reason desired to impede this reform. To this obstruction great support was given by the demand of the paper-makers for a protective duty on foreign paper. They professed that in 1853, when the import duty was fixed at 2½d., its object was to protect the British paper-maker from the too cheap rags of Belgium and of France, who prohibited their export, while Germany imposed £9 a ton, and Russia, Holland, and Austrian Italy imposed respectively, £6 4s. 7d., £8 8s. 4d., and £7 5s. per ton, to say nothing of the small export duties of some other states.

A deputation about sixty strong waited upon Lord Palmerston on March 23rd, to express these views. As persons connected with the manufacturing trade of England and Scotland, they represented to him that, while by Mr. Gladstone's measure of the previous session the foreign manufacturer of paper was placed on a footing of equality with the English manufacturer in our market, the exportation of rags from France and other Continental countries was prohibited, and that consequently it was impossible for English manufacturers to compete successfully with those of Continental countries. A memorial was presented to Lord Palmerston, praying for the appointment of a Committee to inquire into the operation of the measure of last session. The noble lord, who listened with great and intelligent attention to the statements and representations of the deputation, said the subject was one of so much importance that he would bring it under the special attention of his Cabinet.

Although no reference was made to the Paper Duties question, Lord Palmerston remarked that the Rags question was the major question, and the Paper Duties the minor one, and then expressed himself to the effect that no alteration would be made this year in the Excise laws as regarded the duties on paper. The interview lasted for about an hour and a half.

It is impossible to deny that the admission of foreign paper, at a duty equal only to that of the Excise, brought a considerable quantity of foreign paper to compete with British. But Mr. Gladstone had intended that the Excise should be abolished. If he had contemplated the retention of the Excise, I do not think he would have agreed to the reduction of the Customs Duty to the same level. But the idea that the consumer was to pay a duty on foreign paper for the benefit of the paper-maker was one entirely opposed to the principles of the Répeal of the Corn Laws and of the Commercial Treaty with France.

CHAPTER XX

PAPER DUTY REPEALED

ON Monday, April 15, 1861, Mr. Gladstone brought forward his Budget, and in it appeared the repeal of the Paper Duty, to take effect on October 1st. The next day an article, from which the following is an extract, appeared in the *Morning Advertiser* :—

“The Budget of the Chancellor of the Exchequer is before the public. . . . He is, it seems, after all, to repeal the Paper Duty in October next. Now we only repeat what was currently and confidently confirmed last night at the House, that Mr. Gladstone had no such intention until yesterday morning. A violent article appeared on Friday in Mr. Bright’s organ, threatening both Mr. Gladstone and Mr. Milner-Gibson with the implacable hostility of the Manchester school of politicians if they did not either put a pressure on Mr. Gladstone, which would compel him to remit the duty on paper, or secede from the Palmerston Government. The threat, it would appear, has had the desired effect. The Paper Duties are to be repealed in six months from this date.

“But what, we are curious to know, will Lord Palmerston say to this? His personal honour is involved in the matter. A month has not elapsed since he explicitly and emphatically told a deputation, consisting of about sixty persons engaged in the paper trade, that the Paper Duties would not only not be abolished this year, but would not even be in any way interfered with. The question then comes to be, Did Lord Palmerston, after this deliberate and emphatic statement, give his sanction to the repeal of the Paper Duties announced by Mr. Gladstone last night? Or has Mr. Gladstone made that one of the provisions of his Budget, without the concurrence of the Premier? The noble Lord is bound, as a point of personal honour, to offer some explanation in reference to this matter. . . .

“There is a House of Commons; and Mr. Gladstone is not that House. It is not yet impersonated in him. The third reading of his last Bill for the remission of the Paper Duties was only carried by a majority of nine. If the Conservatives please, they are now in a position to reject a similar Bill by a majority of at least twice that number.

“And they could not adopt any course of opposition to the Government which would be more popular with the country. The nation must see that the sacrifice of at least £1,200,000 of revenue—at a time, too, when it is with difficulty that the Chancellor of the Exchequer can get the two ends to meet—is made merely to please

Mr. Bright and three or four other Members of Parliament. . . . The country is indignant and mortified to see the Ministry thus intimidated by a small clique, who have no influence—just as they have really no English feeling.

"We are aware that Mr. Gladstone estimates the loss to the revenue by the remission of the Paper Duties at only £665,000. Either the grounds on which he comes to the conclusion that this will be the amount must be fallacious, or there must have been a strange misconception pervading Parliament and the public during the discussion on the Paper Duties all last session, for in both Houses the loss to the revenue was never stated at less than £1,200,000, while it was often represented as being nearer £1,500,000."

Now the gross amount of the Excise on Paper, as recorded in the Seventh Annual Report of the Board of Inland Revenue, was—

		£
For the year ending March 31, 1861	.	1,463,080
" " " " 1862	.	799,918
Showing a loss for the year 1861-2 of	.	£663,162

Mr. Gladstone's calculation was therefore perfectly correct, while rumours in the two Houses had forgotten to deduct the amount of the various drawbacks on the tax and the expense of collecting it. The editor had evidently forgotten that the loss for the year could only be the loss on the six months during which the duty was not to be paid. The Budget of 1861-2 was not concerned in the loss of the other half of the duty. This would, of course, affect the Budget of the following year.

What had taken place in the Cabinet I do not know. It is exceedingly probable that Mr. Gladstone and Mr. Milner-Gibson let Lord Palmerston know that they would resign if they were not allowed to carry the repeal of the Paper Duty, and it is more likely that they inspired "Mr. Bright's organ" than that they were alarmed with any threats of what would happen to them if they failed to carry out the fiscal reform to which Mr. Gladstone had pledged himself in the previous session, and which Mr. Milner-Gibson had advocated laboriously both in and out of Parliament for twelve years. As to Lord Palmerston's "honour"—it had not hindered him from betraying his colleagues in the last session—why should it prevent him from bamboozling the paper-makers now into the hope that he would set Mr. Cobden's French Treaty aside, and give them a protective duty on foreign paper?

Mr. Gladstone had, on this occasion, a much more difficult task than in the previous year. Several unexpected circumstances had interfered with the success of his estimate of the revenue. The Income Tax and the taxes on tea and sugar had expired with the financial year 1860-61. There was, therefore, argued his opponents, a deficit of many millions. Lord Derby's argument in favour of permanent taxes no longer found favour. Mr. Gladstone proposed to impose an Income Tax of ninepence in the pound. "Had he considered the danger of war before he proposed to reduce taxation?" The independent Opposition, as Mr. Disraeli called it (as if he himself were only a bystander), asked this question, and began by arguing that there was no surplus. But they speedily agreed to the ninepence Income Tax, and then proposed to reduce the Tea Duty.

On April 15th Mr. Gladstone produced his Budget. After explaining in very minute detail the financial conditions of last year, and the prospects for the current one, he made the following statement: The expenditure was estimated at £69,900,000; the continuance of the taxes of last year would have given a revenue of £71,823,000. He proposed to reimpose the Income Tax, but only at ninepence in the pound, and to repeal the Paper Duty. This reduction of the Income Tax would cause a loss for the year of £850,000; the loss on the Paper Duty would be for the year £665,000; there would be a surplus of £408,000; which, added to the expenditure, £69,900,000, would make up the sum of £71,823,000, which would have been received had the taxes been the same as last year.

In the debate on the motion that the Speaker leave the chair, on April 22nd, the "Independent Opposition" brought the whole condition of Europe and Asia into the discussion, declaring this enlargement of the subject to be necessary, if there were to be any reduction of taxation.

The mouthpiece of the "Independent Opposition" was Mr. Thomas Baring, brother of Sir Francis Baring, who had distinguished himself as a financier by adding the three-tenths of a farthing to the Paper Duty when he was Chancellor of the Exchequer. He addressed the House on the motion for going into Committee of Ways and Means. He explained that he did this instead of waiting till the House had gone into Committee,

because he understood that the whole finance was to be put into one Bill, while in Committee it was customary to speak only upon the particular resolution brought before them. He congratulated the House that a vote against the Budget was not a vote of no confidence. A Budget could be amended by the House. Without touching on the constitutional question, he thought the decision in another place last year was a godsend to the Exchequer. He was afraid of any reduction of taxation, because he saw so many things which might require an increase of expenditure. Any reduction should be made in taxes where the amount could be restored if necessary. The Paper Duty could not be oppressive, or it would not be so continually on the increase. It ought not to be repealed, because it would be impossible to restore it.

The style in which all this was said was modest and conciliatory, and all Mr. Baring's figures were accurate and intelligible. The weakness of some of its allegations did not prevent the speech from being approved by those whose views it was intended to represent. Mr. Baring moved no resolution, and he expressed his hope that there would be no change in the Ministry. The House seems to have known that the decision lay between Mr. Gladstone and Lord Palmerston, and Lord Palmerston seems to have seen that if he did not allow the Paper Duty to be repealed his Administration would be broken up.

Mr. Horsman, M.P. for Stroud, supplied the virus which was wanting in the speech of Mr. Baring. We can find space only for a few extracts from the most characteristic part of his speech, his view of "the decision, in another place, of last session."

Mr. Horsman said :—

"I must say I think it a matter of great regret that these questions of the Paper Duty and the House of Lords have come upon us again so soon. (Opposition cheers.) The events of last year are not remote, nor are recollections so obliterated, nor the repeal of the Excise on Paper so urgent, nor the case against the House of Lords quite so clear, as to justify any Minister in assuming that the defeat of July will be converted into a triumph in April. The stirring of the question on this occasion is, I think, every way unfortunate. We have hitherto had an unusually tranquil session, in every way the reverse of that of last year. . . . But the sky is suddenly overcast, and a storm has come from the quarter where we least expected it. The Chancellor of the Exchequer, sailing on a smooth sea, with the whole ocean of finance to navigate in, has run his vessel on the only rock that was laid down in the chart. . . .

"I confess I was not prepared to hear my right hon. friend take his stand upon the Budget of last year, and, remembering how the revenue from the Paper Duty, which he offered to throw away in February, became in July a godsend to the Exchequer (hear, hear), I did not expect to hear him adopt the tone of an injured man, and indulge in taunts towards those who, distrusting his calculations, had checked his prodigality. I did not expect to hear him accuse us of injustice, of ignorance, and of unfulfilled predictions. But least of all was I prepared for his calling upon the House, upon the very first occasion, with the shortest possible interval, to repeat what is now acknowledged to have been the folly of last year, and, mistaking the feeling of the country, and miscalculating the strength of the Government in this House, to ask to do it by a measure which combines a repeal of a duty with an affront to the House of Lords. . . . Last year when the Budget was introduced, all the odds were on his side. The House was with him, the country was with him—his surplus was believed in, and his opponents had a difficult and uphill battle to fight. But they won the battle, and before the summer was far advanced the country was awakened to the delusion of the spring. This year all is changed except the high courage which courts danger, and the indomitable faith which will acknowledge no defeat. All else is changed. The mistake we made last year by the repeal of the Paper Duty is now universally acknowledged. The Government is not strong; the Chancellor of the Exchequer, its brightest ornament, its mainstay—for he is the keystone of the arch which joins Birmingham to Tiverton—has been proved to be not infallible; and many members on his side of the House come to the consideration of this question in a very different mood from that of last year, and are determined to study for themselves the finances of the country as a matter for which they are responsible and as a real duty."

Then followed a long dissertation on the necessity of providing a sufficient sum for the military expenses; and all this was aimed against the repeal of the Paper Duty and in no way against the reduction of a penny on the Income Tax and the speech was made in concert with the "Independent Opposition" who were advocating a reduction of the Tea Duty.

Meantime, by the breaking of the promise of repeal, all were injured who had made arrangements to profit by that repeal. By the reduction of the Import Duty while Excise Duty remained, importation was unfairly promoted, to the detriment of native paper-makers, especially the Irish. No consideration was shown to the opinion given against the Duty by the Commissioners of Inland Revenue. Mr. Gladstone had accepted the popular demand made upon him to repeal an Excise Duty. He knew that the process of a great change was always accompanied by loss and inconvenience, and that the protraction of the process must cause much

injustice. He could not consent to be a party to the keeping of an important trade in a state of confusion. The delay caused by the Lords had created a great deal of confusion. It was his duty to put an end to it so soon as he could.

On May 30th, in Committee on the financial Bill, Mr. Gladstone moved that the Paper Duty cease on October 18th. The preliminary resolution to this effect had been agreed to without opposition on May 6th, but on the 13th the second reading of the Customs and Inland Revenue Bill was resisted; and a violent attack was made on the proposal to put all the finances into one Bill, although this was the plan resolved on by the House the year before, after the Committee on the action of the Lords had recommended this course. The debate lasted two nights, but the plan was adopted without a division and Clause 4 (the repeal of the Paper Duty) passed by a majority of 15 (Ayes 296, Noes 281). On the previous occasion Mr. Disraeli had observed that the Government was in its teens: eighteen was not a majority.

Next came Clause 5, repeal of the Customs Duty on Paper. Mr. Gladstone told Mr. Norris that he was welcome to his Committee on the Foreign Duties on the Export of Rags; but that the repeal of the Customs Duty would not be postponed till that Committee had reported.

The country was bound to this course by the French Treaty. The present arrangement about the duties was unfavourable to the paper trade, but everything would be improved when both the duties had ceased. We need not trouble to trace the further progress of the Customs and Inland Revenue Bill. It passed the House of Lords with a protest signed by ten peers led by Lord Monteagle and the Duke of Portland, but not signed by Lord Derby or Lord Lyndhurst.

The Committee was granted on the 28th of May. The financial Bill, which included the repeal of the Paper Duty, passed the Commons on the 3rd of June. On the 12th of June it received the Royal Assent. On the 2nd of July the Committee on the Export of Rags was nominated. On the 25th of July it made its report to the House. Though rather unwillingly, it rejected by 9 to 3 the assertion that the Excise did not interfere with the process of manufacture. It made no recommendation

but that the Government should most earnestly endeavour to obtain the removal of all foreign duties on the export of rags. A proposal for an Import Duty on Paper till this object should be attained was withdrawn without a division.

The Committee on the Export Duties on Rags was a tub thrown to the whale. But its discussions were interesting. Its appointment was a curious interference at the end of a war by those who had taken no part in it, but who protested against the victory just as it was being won. It was also the last opposition to the repeal of the last of the Taxes on Knowledge, and deserves a brief comment as the closing scene of a twelve years' contest.

The commingling of the French Commercial Treaty with the repeal of the Excise on Paper was the cause of confusion not only in the minds of the paper-makers, but in the procedure of the British Government. The objects of the Chancellor of the Exchequer, and of the negotiation of the French Treaty, were in perfect harmony. The first was the repeal of the Excise, the second of the Customs Duty on Paper. The two duties ought to have ceased, and, till they ceased, the $2\frac{1}{2}d.$ Import Duty ought to have continued. This would have happened, almost exactly, if Mr. Gladstone's Bill for the Repeal of the Paper Duty had been carried, as, in the beginning of 1860, there was every reason to expect. The French Treaty was to come into operation in August; but it was agreed to in January, 1860. The repeal of the Paper Duty was moved on the 10th of February, 1860. Mr. Gladstone and Mr. Cobden, in singleness of heart, trusted in their common success. Lord Palmerston let them alone, smiled upon the intrigue against the repeal of the Paper Duty, and allowed the French Treaty to reduce the Import Duty on Paper to the level of the Excise Duty—a condition which lasted about twelve months, when both duties expired together.

So long and so hard a fight as that against the Taxes on Knowledge required a celebration: a memorial which might be preserved as an heirloom, presented by the victorious army to its leader.

There could be no doubt who was entitled to this memorial. Mr. Milner-Gibson had early associated himself with the Newspaper Stamp Abolition Committee when it re-commenced the agitation, which had

been dropped twelve years before, when the Stamp was reduced from fourpence to a penny. In concert with them he had brought the three taxes together before Parliament, and had done so annually from 1850 to 1858. He had accepted the office of President of the Board of Trade not *instead* of the repeal of the one remaining Tax on Knowledge, but with the understanding that he was to promote this object in office; and he had carried it on in the Cabinet as he had before carried it on in Parliament, for his presence there made it possible for Mr. Gladstone to carry out the purpose on which he had determined when he returned to the office of Chancellor of the Exchequer.

The members and friends of the Association held two or more meetings and appointed a committee, who collected subscriptions, limiting the amount of each to one pound, and presented a memorial to Mr. Milner-Gibson at a public breakfast at Freemasons' Hall, on the 5th of February, 1862. Mr. William Ewart, M.P. for Dumfries, presided. The following were on the platform—Right Hon. M. T. Baines, M.P., E. H. J. Craufurd, M.P., A. S. Ayrton, M.P., Alderman Salomons, Samuel Morley, Charles Knight, Robert Chambers (chairman of the Testimonial Committee), Alderman Baldwin, of Birmingham, Alderman Towle, of Oxford, the Sheriffs of London and Middlesex, Mr. John Francis (Hon. Sec. of the Committee), and many gentlemen connected with the cheap Press of the metropolis. The Secretary, Mr. Francis, read letters from Messrs. Cobden and Bright and other gentlemen apologising for their absence.

The testimonial was placed on a table before the chairman. It consisted of a handsome centrepiece, after a design by Flaxman, and two large and graceful seven-light candelabra, after a design suggested by the late Sir C. Barry. The centrepiece and candelabra were of silver gilt. Upon the centrepiece was engraved the following inscription :—

“ Presented to the Right Hon. Thomas Milner-Gibson, M.P., by the members and friends of the Association for the Repeal of the Taxes on Knowledge, as a commemorative testimonial of his important services during twelve years as their president. Advertisement Duty repealed August 4, 1853; Compulsory Stamp on newspapers repealed June 29, 1855; Paper Duty repealed October 1, 1861.”

Mr. Francis read the address which he had drawn up

to Mr. Milner-Gibson. It contained a brief narrative of the efforts made for the repeal of the three taxes, and was signed by the chairman of the Testimonial Committee, Mr. Ewart, the treasurer, and the secretary.

The Chairman, in proposing the health of Mr. Milner-Gibson, observed that the repeal of the Taxes on Knowledge had taken two years longer than the siege of Troy. He referred also to the previous efforts of Lord Brougham and of Sir Edward Bulwer Lytton, and said, *inter alia* :—

“ Publicity is, you will allow, the seal of the constitution and of the prosperity of the country. And is it not a great thing to have accomplished for the poor man—and there are many poor men I could wish had votes who have them not at present—that he may have the means of forming an opinion and a judgment upon the great questions of the day, and as to the manner in which he shall exercise his franchise? ”

Mr. Milner-Gibson, in acknowledging the toast, said it was difficult for him to find words to express his feelings. He continued :—

“ The triumph of the cause would in itself have been a sufficient reward for my humble exertions. It may perhaps to some appear rather unusual for a Minister of the Crown to receive a testimonial of this kind; and, if this testimonial had been offered to me in respect of services rendered to the cause since I became a member of the Administration of Lord Palmerston I should certainly have declined to accept it.

My hon. friend has, however, given honour where honour is due, when he mentioned the name of Mr. Gladstone. The repeal of the Paper Duty—the last of the Taxes on Knowledge—was the act of the Administration as a whole, of which I was only an individual member. The organ of that Administration, Mr. Gladstone, did justice to the cause that it was his duty to advocate, and he has received no more honour than he is entitled to receive at the hands of our chairman. But although I should have declined to receive this testimonial simply in reference to the question of the Paper Duty, the fact of my having become a member of Lord Palmerston's Administration did not appear to me to preclude me from acceding to the request that had been made that I should possess some memorial—something to awaken the memory from time to time—of that long and agreeable connection which existed betwixt me and the two societies of which I had the honour of being president. It is in this sense that I am proud to accept this testimonial, and I shall never regard it without a pleasing recollection of the past, and of those associates who with me worked in the cause of the repeal of these taxes. (Cheers.) There are those amongst us who cannot be passed over in a review of the labours of the past, and I cannot forget that with me, in the old Association for the Repeal of the Taxes on Knowledge, there were men without whose labours probably the cause would not have triumphed to this hour. I speak of the treasurer of the association, Mr. Novello; I speak of the chairman of the Executive Committee; and of the able and

faithful secretary, Mr. Collet; I speak also of my friend on the left, Mr. Francis, secretary to the Press Association.

"When I first became acquainted with these gentlemen the question of the repeal of the Taxes on Knowledge was slumbering. Mr. Francis Place—whose name, I dare say, many of you will recollect—suggested to me that some one ought to keep the lamp burning; that some member of Parliament should take up this question, which had been left unsettled by the Government that had then lately retired. The taxes had been reduced, but not repealed. The stamp on newspapers had been reduced from fourpence, I think, to one penny; but, as Lord Brougham quaintly observed, that penny was the worst penny of all."

A committee was also formed to obtain a subscription which should clear off all debts of the association, and realise a sum to be presented to the secretary.

There were two other members of the committee whose sacrifices of time and labour might well have made the association desirous of making to them some pecuniary acknowledgment—Dr. John Watts, our sub-treasurer, on whom had fallen almost the whole of the management of the Manchester Association, so valuable to us for its moral, political, and pecuniary support; and Mr. Richard Moore, the chairman and constant adviser and representative of the committee. I have felt vexed in writing this memoir at my inability to portray the services of these two gentlemen, which, because of their unceasing character, do not stand in that relief which could have called attention to them. They freely surrendered their claims and joined the committee for the testimonial to the secretary; Mr. Moore acting as secretary to it. The treasurer was Mr. Novello, who led the way with a very handsome subscription. His example was followed by some of the Newspaper Press who had benefited by the repeal of the Taxes on Knowledge and by many of our old liberal supporters who had no private interest in the matter. The debts of the association were paid and a sum of £543 was presented to Mr. Collet.

In 1863 the labours of Mr. Francis were also recognised by a testimonial. On January 19th of that year a number of gentlemen representing the Press Association and the Association for the Repeal of the Taxes on Knowledge held a meeting at 47, Paternoster Row, for the purpose of presenting to him an acknowledgment of the great services he had rendered during a period of thirteen years. Mr. D. N. Chambers occupied the chair, and among the company, which numbered about thirty,

were many literary men and publishers. Letters of regret were sent from Dr. Robert Chambers, Mr. W. H. Smith, Mr. G. W. Petter, Dr. Gray, of Dublin, and others. The testimonial consisted of a massive silver salver, and a tea and coffee service, bearing the inscription :—

“ Freedom of the Press from taxation. This salver, together with a tea service, is presented to Mr. John Francis as a testimonial from the committee and friends of the Press Association, in acknowledgment of his persistent services in promoting the repeal of the Taxes on Literature and the Press. The Advertisement Duty repeal, August 4, 1853; the repeal of the Compulsory Stamp on newspapers, June 15, 1855; and the repeal of the Paper Duty, October 1, 1861.”

Such were the celebrations of the accomplishment of our first object, “ The exemption of the Press from all taxation.” But our second object remained to be accomplished. Queen Anne’s taxes were repealed. George III.’s restrictions, which produced no revenue, remained on the Statute Book. It took eight more years to remove them from it, and to accomplish our second object : “ Its liberation from all control except that of a court of law.” This will be the subject of our next chapter.

CHAPTER XXI

THE SECURITY SYSTEM

THE repeal of the 60 George III. cap. 9, which enchained the Press, and of the 39 George III. cap. 79, which treated all printing as sedition, unless specially licensed, was, from the beginning of our Association, recognised as our object, when on the 20th of June, 1849, the Newspaper Stamp Abolition Committee commenced the circular which announced its existence as follows :—

“ Its object is to obtain the exemption of the Press from all taxation, and its emancipation from all control, except that of a Court of Law.”

The Georgian Acts, especially that of 1819, excited the most intense indignation in all Liberal members of the House of Commons, on account of the principle of Coercion on which they were based. By the principle of Coercion, I mean that principle which, in order to suppress, or under pretence of suppressing, illegal actions, prohibits such as are in themselves perfectly unobjectionable.

But the majority of mankind are much more influenced by the coercion actually used than by any which is only contained in the Statute Book. The imprisonment of persons for selling unstamped newspapers created much more disgust than the statute which required every pamphlet to give security against libel, even while, as against newspapers, this statute was enforced. The 60 George III. cap. 9 was drawn up in the hope of suppressing Cobbett's *Register*. But he increased its price so as to exempt it. When in May, 1827, Mr. Hume moved for the repeal of the Act, Mr. Canning told him to screw up his courage, print three sheets and charge sixpence. He was not ashamed to avow the fact that the object of the Act was not to put down blasphemy in general, but blasphemy in two sheets. When he said that blasphemy was one of the three essentials of a paper brought under the Act, he was not afraid of being reminded that, though

the Act professed to be "for restraining the abuses arising from the publication of blasphemous and seditious libels," this third essential was not required to be either blasphemy or sedition, but only the insertion of news, or comments on news, or on any matter in Church or State. The publication of the King's Speech would have brought the publisher under the Act, and, according to Mr. Canning's statement, would thus have been blasphemy.

Accordingly, when the Newspaper Stamp ceased to be compulsory, and the Advertisement and Paper Duties were repealed, the popularity of our Association vanished into thin air. We had persisted in bringing the Security System before the House of Commons, and before the public, and had called on the Somerset House authorities to include pamphlets in their administration of the Security Laws, but we never succeeded in exciting against them a popular hatred. What hatred against them did exist was inherited from the contemporaries of those who introduced the Georgian Acts, or entertained through a general and not unreasonable distrust of the tendencies of those who exercised the powers of Government. No proprietor of an important and well-paying newspaper objected on his own account to give security for it, and only in a few small districts would the people be deprived of cheap newspapers by the Security System.

The history of the abolition of this system is not, therefore, an exciting one. Few members of the Legislature were desirous of taking part in the attack; as few were heard to raise their voices in its defence; but these latter were sufficient to retain the system, till Mr. Ayrton, having become Secretary to the Treasury, brought in a Bill with the support of the Government, and Lord Granville, then Colonial Secretary, brought it into the House of Lords.

The particularly sordid and oppressive character of the Act of 1819 has been repeatedly and fully described in these pages. But this was only one of the Six Acts; another of which, 60 George III. cap. 8, imposed banishment as a penalty for a second conviction of blasphemy. This penalty has been erroneously stated to be part of the 60 George III. cap. 9. I mention the error, because it has been repeatedly made in high quarters by persons who usually made a point of being accurate in their statements. Some of the Six Acts even contemplated an organised and armed insurrection in the counties of

Great Britain as a design which it would be necessary to be prepared to suppress by military force.

But the Act passed twenty years before, the 39 George III. cap. 79, was even more typical. Besides imposing the most crushing punishments, it revelled in affectations of piety. Its real reason, as we have already mentioned, was not so much the difficulty of finding the authors or the printers of papers deemed seditious, as the difficulty of getting a jury to convict them of sedition. For their advocacy of Parliamentary Reform John Horne Tooke, Thomas Hardy, and John Thelwall were, in 1794, indicted for high treason. But they were acquitted, thanks to their own innocence and to the forensic ability of Erskine. By prosecuting men, not for the demerits of what they had printed, but for the *fact* of having printed at an unrecognised press, it was hoped, not without reason, to secure convictions by means of the limitation of the jury to the decision on a *fact* which a scrupulous veracity could not deny. Yet public men who had led useful and honourable public lives, who would have shuddered at the idea of originating these Acts, shrank from the responsibility of repealing them.

A history of the prosecutions under this Act might be a useful, though a melancholy, history of human folly. There were a few instances of the seizure of presses during the prevalence of unstamped newspapers between the passing of the Reform Act in 1832, and the reduction of the Newspaper Stamp to a penny in 1836. How far the Act was carried out in the reign of George III. I do not know. Such an Act could not have been universally enforced. An earnest attempt to carry it out would have excited universal disgust. But, as a weapon against the minority in whom the threat of a French invasion had not swallowed up the desire for parliamentary reform, it may have been employed, as the Stamp laws were, to harass unoffending individuals.

But I recollect an instance in the reign of William IV., in which one of its least objectionable sections was employed to commit a gross injustice; an action which was resented by the people in a manner most creditable to them.

The wages of a few agricultural labourers in Dorsetshire had been reduced from eight to seven shillings a week. They had formed a trade union in the hope of restoring their wages to their former amount, or, at least

of averting their further fall. Like many whose education ought to have taught them better, these ignorant men attached importance to mysterious and secret forms, and they swore each other to secrecy. Now section 2 of this Act treated as an unlawful combination any society where any oath or engagement is taken which is not authorised by law, and section 8 punished any one convicted under the Act by indictment in due course of law, with seven years' transportation. Section 5 exempts Freemasons from the operation of the Act. But the Dorsetshire labourers were not Freemasons, and were not at liberty to perform secret rites.

These men, whose only offence was that they had sworn to keep their proceedings secret, were arrested, indicted in due course of law, convicted and sentenced to transportation. The object was to terrify the Trades Unions, who were under the impression that it might be possible for them somehow to obtain twelve hours' pay for eight hours' labour. The prosecution, considered as an act of policy, was as stupid as it was base, while it was virtually a confession that the Act was obsolete.

The Unions petitioned Parliament and memorialised the Home Office. Thirty-five thousand of their members, each Union forming a separate company, marched through the streets to the place of rendezvous. I saw them assembling there, in the field opposite Copenhagen House, near what is now the London Cattle Market. They marched through the streets again to the Home Office in Downing Street, and, leaving a deputation there with their Memorial, went on to Kennington Common, whence they dispersed to their homes. When their front ranks reached Downing Street the rear ranks were still in Copenhagen fields. Their Memorial was rejected. Some months afterwards the convicts were pardoned and recalled from Australia. The Unions subscribed enough to place them in a far better position than they had occupied before their arrest. After this, so far as I know, they were never heard of. They had in them nothing of the rebel, or even of the agitator. They were just the men for whom the Act was calculated. Men likely to get into a scrape by accident, and to be kept there to frighten the others—only this time the others were not frightened.

We have already touched upon Mr. Ayrton's Bill to

repeal the Security laws and the other laws affecting the Press, and his unsuccessful efforts to get a member of the House of Lords to take it up. In the session of 1860 it passed through the House of Commons without debate and without amendment. We were, however, fully taken up with our agitation for the repeal of the Paper Duty, and with our resistance to the proceedings of the House of Lords. To have brought into the quarrel any arguments against the Security System would only have made more acute the resistance in the House of Lords to the repeal of the Paper Duty. It may well be supposed that the success of that resistance on the 21st of May inspired Lord Chelmsford to resist that repeal of the Security laws on which, when he was Lord Chancellor, the Solicitor-General had said that all were agreed.

It was after the 21st of May, 1860, that Mr. Ayrton found a Peer who had the courage to carry on his Bill in the House of Lords. In 1836 Sir John Campbell was Attorney-General. At the age of fifty-seven his acceptance of a peerage, unless he were raised to the Bench, would have been to end his career. But he accepted a peerage for his wife as Baroness Stratheden, with remainder to her sons by her marriage with him. In 1841 he was made Lord Chancellor of Ireland. Afterwards he was Lord Chief Justice of England, and in 1860 he was Lord Chancellor. His eldest son, by the death of his mother, had become Lord Stratheden.

Encouraged by his father, Lord Stratheden undertook Mr. Ayrton's Bill, a very arduous task, for the House of Lords was very ignorant of its subject, and very little inclined to be informed. None of them were zealous in its favour, and there was a small number who, having a superstitious dread of the consequence of repealing any restriction on the liberty of the subject, could yet be brought to go to the House to vote by the influence of one of their number who had been Lord Chancellor, and who was likely (as indeed happened) to be Lord Chancellor again when next his party should come back to office. Lord Stratheden, therefore, reserved to himself the right of consenting to the postponement of the Bill, should it meet with any opposition.

In moving the second reading on the 23rd of July he said :—

“ This Bill deals only with the 39 George III. cap. 79; the 60 George III. cap. 9; and the 1 William IV. cap. 73. It does not

interfere with or alter the Acts which require that newspapers shall be registered at Somerset House, and that the name of the printer shall appear on every publication. It repeals only part of the first-mentioned Act of 1799, by which debates are prohibited in houses without a previous licence, and by which printers, type-founders, and printing-press makers were compelled to obtain certificates from the Clerk of the Peace before they proceeded to carry on business. The second Act to which I have referred is one of the celebrated six Acts passed in 1819, which brought such odium on the Government, as being encroachments on the ancient freedom of the country. By its provisions were for the first time enacted Securities from publishers. By the third Act, which was passed in 1830, the Securities, which were by the Act of 1819 required from publishers, were to some extent modified. But although such statutes may be defended in time of revolutionary agitation, we have now outlived the fears and passions by which they were created, and, as the Stamp Laws have been abrogated, these Securities have been practically nullified. The only question raised by the Bill is, consequently, whether these enactments should not be altogether abrogated. The Bill has received the unanimous approval of the other House, and I therefore trust your Lordships will give it a second reading."

The debate which followed was not particularly instructive. Lord Chelmsford recommended a careful study of the provisions of the Bill, and drew special attention to the clause on the 39 George III. cap. 79 which empowered all persons to seize any one distributing or pasting bills to which no printer's name was attached, and to take him before a magistrate. His experience at the bar taught him that libellers commonly employed persons to distribute their libels without a printer's name, and, if the clause was repealed, it would be impossible to detect them. He also decidedly objected to the proposed repeal of the 60 George III. cap. 9, which referred only to newspapers (!) and contained an important clause, requiring printers and publishers, before publishing newspapers, to enter into recognizances, rendering themselves answerable for any fine or penalty they might incur through being convicted of a blasphemous or seditious libel. He suggested that the Bill should be confined to the repeal of the clauses in the 39 George III. Lord Chelmsford had his way, in spite of Lord Campbell's earnest appeal that the second reading should pass. Lord Cranworth, a former Lord Chancellor, supported him in a speech which contended that the Bill would get rid of many safeguards, particularly that requiring that persons publishing newspapers should give security that they would not be guilty of private malice. He had declined to take charge of the

Bill, because he objected to the introduction of any measure which did not have on its face an intimation of its object and effect. Lord Wensleydale hoped that the measure would be referred to a Select Committee, but Lord Stratheden insisted that the second reading should first be taken, whereupon Lord Chelmsford moved that the Bill should be read a second time that day month. The division gave him a majority of 26 (contents 10; non-contents 36).

The light-heartedness of the Liberal ex-Chancellor, Lord Cranworth, who admitted that he had taken no advantage of the four months' notice to ascertain the scope and effect of this perilous Bill, contrasts finely with the so laudable earnestness of the Conservative ex-Chancellor, who having read up the Statutes to be repealed, "gave us all the information we possess on the subject," and insisted on his word being taken for law against the Bill, though, when holding his most important office in the Government, he had allowed his colleagues to express, unrebuked, a contrary opinion. Lord Cranworth, though grateful to him for his not altogether accurate information, was willing to trust the House of Lords to consider the details of the Bill, and voted for the second reading. Lord Stratheden was willing to accept a Select Committee, and had reminded him that, even after this, the House would still be at liberty to reject the Bill; but Lord Chelmsford had "no alternative" but to vote against any further consideration of the subject. The House, by its own admission, was ignorant of it. Lord Chelmsford could not venture to trust them to search for further information. It was already late in the Session. By the time a Select Committee had reported, it might have been too late for him to induce a number of Peers to attend ready to reject the Bill.

During the session of the following year we endeavoured to educate the House of Lords by preparing a petition which set forth the injustice of the Security System. I suppose it was presented, but I can find no record of the fact. Mr. Ayrton's proposals, which it represented, were now confined to the abolition of the Security System by the total repeal of the 60 George III. cap. 9 and the 1 William IV. cap. 73. The Paper Duty Repeal Bill had received the Royal Assent on the 12th June, but the temper of the House of Lords was not

propitious for pressing on them a further concession to the Association for the Repeal of the Taxes on Knowledge. Accordingly, though Mr. Ayrton's Bill made its usual unopposed and undebated progress through the Commons, it was met on the threshold of the Lords by the ominous remark from Lord Redesdale, the Chairman of Committees, that, as the measure had already been rejected, "it is out of the question that we should be called upon to discuss it again at this late period of the Session." Lord Stratheden, nevertheless, moved the second reading on the following day, the 2nd of August. His speech was chiefly directed to the alterations that had been made in the Bill to meet objections stated in the previous year, while he pointed out, to appease Lord Redesdale, that the defeat on that occasion had been an afterthought. Lord Chelmsford declared that the Bill had been defeated by 36 to 10, and amongst the majority were several Cabinet Ministers. He objected to carrying at that period of the Session a Bill which had passed through the other House so quietly that he would not have known of its presence on the table had it not been for an anonymous correspondent signing himself "Amicus." The order of the day for the second reading was thereupon discharged.

There were at this time five peers in the Cabinet. Lord Campbell and Lord Granville had in 1860 voted with Lord Stratheden—the Dukes of Argyll and Newcastle did not vote. The "several Cabinet Ministers among the majority" was the Duke of Somerset, then First Lord of the Admiralty; rather a good friend of ours, for he presented our Petition for the Repeal of the Paper Duty shortly after the Lords' aggression, against which he had given his vote.

Lord Chelmsford's two assertions that the Bill had *not* been discussed in the Lower House, and that it had been decisively rejected in the Upper, were nothing less than impudent. But though the new craft carried less cargo than the other, it still proposed to repeal the Security System, in which was involved the principle of the 60 George III. cap. 9, namely, that a man who is willing to supply news, or remarks on news, or on any matter in Church or State, in a less quantity than 714 square inches to people who cannot afford to give him sixpence for it, is presumably a disloyal subject, and must give bail beforehand for the offences he must be desirous

of committing. It was annoying that he could not at once suppress Lord Stratheden, but he probably went home thanking Heaven that they were safe for, at any rate, another year.

To cut a long story short, the Bill was no more successful in the following year. But in the meantime we had laid a memorial before the Chancellor of the Exchequer which explained the anomalies in the existing system. They were—

1. The permission for newspapers with the impressed stamp to circulate through the post for a fortnight, while those to which an adhesive stamp is affixed are transmitted only once.

2. The permission accorded to the impressed stamped newspapers to use a three-halfpenny stamp, while unstamped papers or packets of unstamped papers weighing more than four ounces are charged two-pence.

3. The subjection of newspapers, or what are deemed such, to the Security System.

The remedies we proposed were as follows :—

1. The abolition of the impressed stamp.

2. That all printed matter exceeding four ounces and under six ounces should be transmitted under an adhesive stamp at three-halfpence.

We reminded Mr. Gladstone that he had himself made these two proposals in the House of Commons on February 10, 1862.

3. The repeal of the 60 George III. cap. 9.

We showed that under the Security System registration of newspapers could not really be enforced, but that if a newspaper could be registered without giving security no newspaper proprietor would refuse to register his paper if required to do so by the Inland Revenue. We suggested also to Mr. Gladstone that the extension of the three-halfpenny stamp might be carried by a Treasury Order, in the same manner that the penny stamp had been granted in 1855.

Lord Stratheden carried the war into the enemy's country when he moved the second reading on the 17th of July. He pointed out that several members of the late Government, namely, Sir Hugh Cairns and Mr. Sotheran Estcourt, were actively pledged to the abolition of the Security System, and that Sir Hugh had even promised to bring in a Bill for that purpose, while Mr.

Estcourt proposed the removal of securities, and the possible retention of registration.

"Since then the House of Commons, instructed by the late Government—for such language was instruction—sanctioned Bills to abrogate securities and keep up registration. And these are the securities of which the noble and learned Lord, who then held the Great Seal, would now resist the abrogation. On the 7th of April another member of the Government (Mr. Sotheran Estcourt), speaking in their name, advised Mr. Ayrton to withdraw his Bill in prospect of the General Election, and himself undertook in the next session to offer legislation in a spirit not different from his own. To give precision to a pledge which, although liberal, was vague, the Solicitor-General proceeded to remark that, in the opinion of all parties, statutes that required securities ought to be repealed (as the Bill now before the House proposes to repeal them), and that those which require the printer's name to be attached to what he prints should be retained. The point to be considered was, whether the law which requires newspapers to be registered should or should not be adhered to. The legal organ of the late Government had not made his mind up to even this degree of rigour, while he removed securities, in the name not only of his friends and of himself, but of all parties."

Lord Stratheden made two fresh points—(1) that proprietors avoided registration because they would be compelled to find securities; (2) that Mr. Pitt, when he passed his measure in 1799 to restrain the Press in days of revolutionary ferment, never ventured to exact securities from printers.

Of Lord Chelmsford's speech we need say nothing, except that it contained no reference whatever to his responsibility for the consent given to the Bill when he was Lord Chancellor by the lesser Law officers of the Crown. Lord Granville recommended the withdrawal of the Bill for alterations, and Lord Stratheden was prepared to accept that suggestion. Lord Chelmsford, however, insisted on its being negatived, and negatived it was. His truculence was in strong contrast to his unwillingness to enforce the newspaper laws when he was Attorney-General. When at that time we waited on him and called on him to do this, he said :—

"It is not my duty even to give an opinion on these publications unless I am called on to do so by the Board of Inland Revenue."

The last entry quoted from our minute book was in July, 1862. The next minute was in June, 1868. But in the interim the subject of the Securities, as well as those of the Impressed Stamp and the Postage of Newspapers, were more than once brought before Parliament.

CHAPTER XXII

DEATH OF LORD PALMERSTON

ON October 18, 1865, Lord Palmerston died, and was succeeded as Prime Minister by Earl Russell, who, from June 11, 1859, had been Foreign Secretary. Liberals began to breathe a little more freely, and in 1866 broke into speech.

Thus Mr. Darby Griffith, M.P. for Devizes, a " Liberal Conservative," who had voted in favour of Mr. Disraeli's Motion of Censure against Lord Palmerston for England's neutrality in the Danish War, asked the Chancellor of the Exchequer (Mr. Gladstone)—

" Whether he was aware that certain railways have commenced carrying newspapers along the whole extent of their lines by means of an adhesive stamp at the price of a halfpenny for each transmission, and, if so, whether it would not be expedient that the stamp for the transmission of newspapers through the post should be reduced to the same amount? The present postal law was altogether anomalous, for while the impressed stamp served to carry a newspaper through the post office several times for a period of fifteen days, the affixed stamp answered only the purpose of one transmission.

" Mr. Gladstone could not enter into details, but reminded the hon. member that the railways were not troubled with the collection, which was an important part of the cost to the post office."

On March 12, 1866, Mr. Gladstone brought in a Bill for Parliamentary Reform. On June 18th he was defeated on an Amendment by Lord Dunkellin, and Earl Russell and his Ministry resigned. Lord Derby became Prime Minister again, and the liberty of unlicensed speaking was restored to all the enemies of the Taxes on Knowledge. They soon found a test in the interference of the Inland Revenue with the *East London Observer*, the *Hornsey Hornet*, and the *Owl*, the last of which was price sixpence, but being under 714 square inches in surface was bound to give security. Mr. Milner-Gibson called attention to these prosecutions, and asked on what principle the law was being administered. Mr. Ayrton, too, improved the occasion by

giving an account of his difficulties in getting any attention to his Bill in the other House, and declaring that its rejection had been managed by "a so-called Liberal Government." The reply of the Attorney-General, Sir John Rolt, was remarkable :—

"The right hon. gentleman asks what has been done by the Government in enforcing these Acts. I have inquired, like the right hon. gentleman, at the Inland Revenue Department, and I have found that the course now adopted by this department is the same as it has always adopted. Certainly it has not acted upon any instruction from the present Government. Whatever has been done has been done by direction from the former Government. I know not whether the opinion of the Law officers of the late Government has been taken upon the matter. But certainly the opinion of the present Government has not, and no instructions have been issued by this Government. The course pursued by the Board of Inland Revenue has been this. *They never stir till their attention is called by some of the public* to a breach of the law in certain particulars. The duty has been imposed on them of seeing that the law is enforced in these particulars. When information is laid before them they act on this information. The way in which they act is—certainly in respect to the prosecutions now in force it has been—to write to the parties and ask them for explanations. This takes some months—so long a time, in fact, that I am strongly under the impression that these matters were regulated before the present Government came into office. When it is at last found that the parties deliberately refuse to obey the law, then, reluctantly, and without favour or affection, proceedings are taken to enforce the law. So far as I can learn there have been only three prosecutions recently commenced."

The Attorney-General's speech is worthy of analysis. It is characteristic, not of himself as a man, but of a lawyer who, called to speak on a matter of which he is ignorant, expects instructions, and, these not being supplied by the member who drags him out, goes to the Inland Revenue Office to get them.

The Inland Revenue officers give him the information he wants respecting their administration. They tell him they do now as they always have done, and that they do nothing unless their attention is called to some publication which is breaking the law. This really was the way they were acting, and the way they always had acted. This was indeed the charge made against them; namely, that they allowed the law to be broken till some outside person called on them to interfere.

They were perfectly veracious in telling Sir John Rolt that they had had no instructions from the present Government. In recognising the Security System they were acting on instructions given to them by Sir Richard

Bethell when he succeeded Sir Alexander Cockburn as Attorney-General. In their practice of meddling with nobody till some outsider called on them to interfere they were sanctioned by the silent approbation of Lord Chelmsford when he was Attorney-General, a practice to the continuance of which he never objected when he was Lord Chancellor in 1858-9.

The Inland Revenue officers do not appear to have discussed the policy of the Security System with Sir John Rolt. They did not tell him that the newspaper laws had been a thorn in their side for several years; that they had been twice beaten in courts of law, and twice disgraced by its being proved in court and admitted by the judges that they prosecuted some papers and exempted others equally liable, while they had enjoyed some years' peace only by avoiding to carry any proceeding to the decision of a court.

For all this there was a reason, or at least an assignable cause. Mr. John Wood and Mr. Thomas Keogh were dead; Mr. Joseph Timm had retired from the practice of his profession to the more congenial occupation of sheep farming, and Mr. William Melvill reigned—and suffered, in his stead. There was nobody left to warn him of the dangers of the path he was about to tread.

I do not believe that Mr. Melvill picked out the cases he prosecuted—I know that subordinate officers sent out notices to publications that they were newspapers and must register. If an answer came to one of these notices, either the solicitor or the secretary would have to deal with it. If the publisher expressed himself willing to register, he would be told that he must also give security. If he then discontinued his publication nobody would be any the wiser. If he continued it, and Mr. Melvill yielded, as Mr. Timm had so often had the good sense to do, little or nothing of the case would transpire.

Probably feeling encouraged by the support given by Sir John Rolt to "the good law," which he thought "ought to be maintained," though further than this "he did not wish to vindicate its policy," and not discouraged by the succession to his office of the less genial, but (at the time) equally ignorant Sir John B. Karslake, Mr. Melvill proceeded to threaten the publishers, and was making progress towards subjecting them to the discipline of the Court of Exchequer.

Mr. E. H. J. Craufurd promptly made up the new load. Sir John Karslake had become Attorney-General in place of Sir John Rolt, appointed a Judge. He therefore put the question whether the Law officers of the Crown had ever sanctioned the exemption of small pamphlets from the securities required by statute, or had they ever given their opinion that newspapers were still liable to find securities. Sir John Karslake replied to both questions in the negative. When we recollect the answers about Newspaper Law given by Sir Frederick Thesiger, and even by Sir Alexander Cockburn, and compare their replies to questions with this triumphant answer of Sir John Karslake, we cannot help reflecting what an advantage there may be in ignorance. He took occasion, however, to examine into the proceedings of Somerset House, and ascertained his error when the subject was next raised by Mr. Ayrton, who contended with much force that the law was unequally administered, and even used to gratify personal enmity. This Sir John Karslake denied, and while incidentally confessing that the opinion of the Law officers of the Crown had been taken in 1856-7, dilated on the forbearance of the Board of Inland Revenue. Mr. Milner-Gibson was induced to agree with him on the last point, but charged the Government with retaining on the Statute Book a law which could not be enforced, and which they had not the good sense to repeal, and which they, nevertheless, did not allow to remain in abeyance. He suggested that the Government should bring in a Bill either that Session or the next.

Mr. John Stuart Mill thanked Mr. Milner-Gibson for making this suggestion, and continued :—

“What would be said if every physician were bound to give security that he would not poison his patients? Surely it is sufficient to punish him if he does poison them. My purpose in rising is to express a hope that, if the Government cannot bring in a measure of the kind proposed this session, they will at least suspend all prosecutions under these Acts, which are generally condemned by public opinion, which it has been found impossible to enforce impartially, and which, therefore, operate most unjustly upon those who are prosecuted under them; often by individuals without the concurrence of the Attorney-General and of the Board of Inland Revenue.”

The discussion was then diverted by Mr. Montagu Chambers to the question of respectability as determined by price. Both he, and Mr. Craufurd who fol-

lowed him, forgot the intention of the Act of 1819. It was not passed to protect individuals from libel—that was an afterthought of the year 1830. Nor was it to establish “a good, strong, sound Press.” This was avowed to be the object of the Act of 1836. The object of the Act of 1819 was to restrain “pamphlets and printed papers containing observations upon public events and occurrences, tending to excite hatred and contempt of the Government and Constitution of these realms as by law established, and also vilifying our holy religion,” which, it was announced, had “lately been published in great numbers and at very small prices.” The object was that the lower orders, that is those who could not afford sixpence a week for a newspaper, should not be allowed to puzzle their heads about the way they were governed in Church or State. People who could and would pay £1 6s. a year for their reading might be trusted to read what they chose, even if this included literature rather obnoxious to the administrators of “our holy religion.” It is true that the Inland Revenue always acted as if the Security System included all newspapers whatever their size and price, but this is an interpretation of their own invention, and no more justifiable by the wording of the eighth section of the Act than their exemption of pamphlets.

The policy of Sir John Karslake is best reserved for comment, when we come to the particulars of the publications which he actually brought into court to answer for their “violation of the law.” These were the *Camden and Kentish Town Gazette*, which we undertook to defend, and the *National Reformer*, which defended itself by the pertinacity, courage, and legal acumen of its proprietor and editor, Mr. Charles Bradlaugh. Long before this we had ceased to publish our *Gazette*, and had given up the small office in Strand Lane which we had taken when the Secretary removed to Highgate Hill. To consider how best to resist the renewed activity of Somerset House we summoned all the members of the committee to a meeting at 2 p.m. at 1, Bridge Street, Westminster, for the 24th of June, 1868. The attendance was not numerous, though it included Mr. Milner-Gibson and Mr. Torrens, M.P. In addition to a resolution to bring a test case before a court of law, we passed a petition against the partial and illegal use made of the Security System to persecute

selected patrons of the Press which Mr. Ayrton was to have presented in the following session. But before it arrived the General Election had resulted in such a manner that Mr. Disraeli had resigned on the 2nd of December, and on the 9th Mr. Gladstone became Prime Minister. Mr. Ayrton, now Secretary to the Treasury, informed us that he was himself about to bring in a Bill to repeal the Security System.

Once more, and for the last time, Mr. Ayrton's measure made an undebated passage through the House of Commons. In Committee (April 22, 1869) Mr. Walpole alluded to the expediency of preserving newspapers in the British Museum. Mr. Ayrton undertook to bring in a special Bill for that purpose, but under the Copyright Act it was provided that a copy of each issue should be sent to the Museum at the expense of the proprietors.

The death of the Security System in the House of Lords was quiet and inglorious. Introduced by Lord Lansdowne, the Bill was briefly debated on the second reading, when Lord Cairns admitted that the Acts which it proposed to repeal were obsolete, and had fallen into disuse.

There was a slight discussion on the penalties imposed, under the Act of 1799, for delivering lectures in unlicensed houses for which admission was charged. It appeared that the Home Secretary had prohibited a lecture at Tynemouth on the liquor controversy, but the Lord Chancellor, Lord Hatherley, explained that his action had been dictated by a fear of bloodshed. Having passed through its remaining stages, the Bill received the Royal Assent on the 12th of July, 1869.

This Act did abolish all previous restrictions on the Press, unless it be a previous restriction to have to publish the name and address of the printer on everything printed.

But to understand the bearing of this Act it must be taken in connection with another Act, passed in the following year, 1870, 33 and 34 Vict. cap. 79, an Act for further regulation of duties of postage and for other purposes relating to the Post Office. This Act confers a privilege upon newspapers of passing through the Post Office at a halfpenny for each transmission, while papers, not being newspapers, pay a halfpenny for every two ounces. The old question, "What is a newspaper?" requires solution before it can be known what

periodical publications are entitled to receive the postal privilege of transmission at a halfpenny whatever their weight.

Here is the definition :—

" Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper (that is to say) any publication consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, subject to these conditions.

" That it be printed and published in the United Kingdom.

" That it be published in numbers at intervals of not more than seven days.

" That it be printed on a sheet or sheets unstitched.

" That it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page."

The spirit of 1819 must have inspired the newspaper privilege of halfpenny postage. Cheap and small newspapers can no longer be prohibited, but a big and high-priced newspaper can be charged a sum which will not carry a number of small ones making up the same weight. The Post Office frets at this newspaper privilege, and sometimes tries to arrest it by the plea that a publication is not sufficiently devoted to news.

Our principle had always been that all printed matter should be treated alike, according to weight, as all written matter was treated alike according to weight. Seeing the constant difficulty of reducing the postage universally, we had not attempted to insist upon any particular rate unless that rate were in some cases accepted by the Government. In particular, when Mr. Gladstone had proposed a penny rate for four ounces of any printed matter, we had resisted the counter proposal of the Yorkshire newspapers for a halfpenny postage for newspapers only. We thought our work would have been completed when the Security System was abolished, but we had not dissolved. In fact we never did dissolve. We could not pretend to continue our organisation till the privilege of newspapers over other printed matter should be abolished; but we resolved not to sink into oblivion without leaving a protest against this injustice.

On April 20, 1870, our Committee met at the house of our Chairman, Mr. Richard Moore, in Hart Street, Bloomsbury. We elected Dr. John Watts treasurer, in

the place of Mr. Alfred Novello, who, on account of his removal to Genoa, had resigned the office, though he still remained one of the Committee. We agreed to a Memorial to the Marquis of Hartington, then Postmaster-General, and to a petition, in the same sense, to Parliament, commenting unfavourably upon the charge of postage at the rate of a halfpenny, not for six, but for two ounces, on all printed matter that could not be described as a *bonâ fide* newspaper. The petition, which was presented by Mr. Peter Rylands, M.P. for Burnley, was most incorrectly described in the report as one in "favour of a halfpenny postage." The next meeting of our Committee was held at Mr. Moore's on the 15th of June. We agreed to a petition remonstrating on this misrepresentation of our petition of April 20th, and praying that that petition might be printed. We also agreed to a petition against the plan in the Postage Bill for a privileged rate for newspapers. We showed that this plan would be equivalent to a subvention to *The Times* of about £30,000 a year, and we prayed that all printed matter might go through the post at a uniform rate. We placed both petitions in the hands of Mr. Rylands, who made good use of them. The Petitions Committee did not print our remonstrance, but they printed correctly our petition of April 20th which they had misrepresented, and the next week they printed our further petition and recorded it as a petition *against* the Post Office Bill. After this the Committee never met again. The second petition was the last act of the Association for promoting the Repeal of the Taxes on Knowledge.

EPILOGUE

THE LAST ATTEMPT AT PRESS COERCION

ABOUT twelve months before the repeal of the Security System, the last attempt was made for the coercion of the Press. We use the word "coercion" as meaning the punishment of that which is admitted to be innocent in itself, but prohibited under pretence that liberty to do it may be used for some evil purpose.

I believe that the chief cause for the prosecutions of 1868-9 was the retirement of Mr. Timm; and the advent, in January, 1866, of Mr. (afterwards Sir William) Melvill, to the office of Solicitor of Inland Revenue. Mr. Timm, whose chief desire was to perform the duties of his office with as much regularity and as little friction as possible, had long been disgusted with the obnoxious but unsuccessful pretence of carrying on a system which he was neither allowed to carry out according to law, nor to regulate according to his judgment. After a spurt, whose result was the prosecution of the *Bury Times* in 1857 and the remission of the penalties and Government costs to the now registered newspaper proprietor, Mr. Ayrton brought in his Bill with the sanction of the Tory Government in 1859. After this, Mr. Timm was quite willing to hold his hand, and the Press had rest for ten years.

Why the new tax-gatherer should display his zeal in a matter in which there was no taxation to be enforced is a question not easy to answer. But when he had once commenced action, he displayed a zeal which discarded all the indulgence of his predecessor. He aimed at bringing into order all weekly publications which contained any narrative of current events, and, like his predecessor, he would not register any paper that did not find securities. But in doing this he was doing only what Mr. Timm had been compelled by Sir R. Bethell, when Attorney-General, to attempt—an attempt in which he had failed.

In attempting to enforce the Registration and Security laws, Mr. Melvill does not appear to have studied the experiences of Mr. Timm. The description given in the House of Commons of his proceedings was that, whenever he received an intimation that a newspaper was published which had not been registered, he sent it a notice, and then that he followed it up slowly, the proceedings coming to an end if the paper registered or ceased to exist. This was true; but he did not receive this information about every unregistered newspaper which was published. The statement obviously showed that all were not treated alike. Since he waited till somebody informed against the paper, he could not tell how many he left unthreatened.

Now, driven to our wits' end by this fit of injudicious activity at Somerset House after ten years' laxity, an argument occurred to us which we ought to have used for the *Bury Times*. The first section of the Act of 1855, which repealed the Newspaper Stamp, 18 Vict. cap. 27, is as follows :—

1. "From and after fourteen days after the passing of this Act it shall not be compulsory (except for the purpose of transmission by the post) to print any newspaper on paper stamped for denoting the duties imposed by law on newspapers, and no person shall be subject or liable to any penalty or forfeiture for printing, publishing, selling, or having in his possession any unstamped newspaper."

It appeared to us that after this it would be impossible to convict any newspaper for not having registered under the 6 and 7 William IV. cap. 76, or any newspaper, *as such*, for not finding the securities required by the 60 Geo. III. cap. 9. It might be prosecuted under this last Act as a paper containing remarks on matters in Church and State if the price were less than sixpence, or if the superficies did not exceed 714 square inches; but, if the prosecution designated it a newspaper, it could not be convicted unless it were decided that it was a newspaper.

On this not very firm ground we took up the case of Messrs. Widdicombe, proprietors of the *Camden and Kentish Town Gazette*, who had been warned by Mr. Melvill that their *Gazette* was a newspaper, and must register and find security.

This case was exactly the same as that of the *Bury Times* and of many others which had profited by the indulgence reigning at Somerset House to come into

existence. These were now to be brought into subjection if they were able and willing to find securities. If they could not or would not, they were to be suppressed for the benefit of those who were more fortunate and more submissive.

The original intention of the Security System of 1819 was to protect the Government. The extension of the so-called protection to private individuals was an afterthought of the year 1830. But those who wished in 1869 to retain the system appear to have mostly desired it as a protection to private individuals.

Messrs. Widdicombe referred the Solicitor of Inland Revenue to our Solicitors, and Mr. Melvill summoned them, not to the Court of Exchequer, but to Bow Street. Our old friend, Sir Thomas Henry, heard the case, for which we had provided Counsel. His judgment may be summed up in six words, which he addressed to us. "You ask me to anticipate legislation." He granted, however, a case for appeal to the Court of Exchequer against the conviction of the *Camden and Kentish Town Gazette*, but the trial never took place owing to the repeal of the Act under which Messrs. Widdicombe were convicted.

Mr. Melvill was not content to aim at what Mr. Timm had failed to accomplish; that is, to enforce the law against papers certainly newspapers. He desired to treat as newspapers periodicals which had certainly been newspapers under those parts of the 60 Geo. III. cap. 9 which had been repealed by the Act of 1836, but had never since been treated as newspapers; for it was the intention of the Act of 1836 that no periodicals should be taxed except for their news, and that any paper that was stamped should have postal privileges. But to comprehend the extension of the term newspaper, with its restorations as attempted by Mr. Melvill, we must see what the papers had been to which he was extending the term newspaper. We must go back to the halcyon days of Mr. Timm.

Beset not only by the unstamped and their friends, but by the Treasury, who would not sanction a strict adherence to the law, there was one rule, as we have pointed out, to which Mr. Timm made a point of adhering so far as he possibly could. He determined that in his principal office (that of a tax-gatherer) he would be just, and would not allow any unstamped paper to compete

with a fair trader who stamped his paper. But when any periodical addicted itself to theatricals or theology, to law or to the liquor trade, to music or to medicine, to royalism or to republicanism, he did not take advantage of its containing "any news" to pounce down upon it, accusing it of defrauding the revenue; nor did he demand that it should find security against libel. The most pertinent instance is that of the *Reasoner*, which he never treated as a newspaper, though the law plainly considered it as such.

The *National Reformer* was a weekly paper on as nearly as possible the same lines as the *Reasoner*. It was founded in 1860, so in 1868 it had existed eight years. In all this time it had never been interfered with by the Inland Revenue. And all the particulars which, till the Act of 1855, had brought the *Reasoner* evidently into the pale of the newspaper law had been repealed. The prosecution of the *National Reformer* differed, too, from every prosecution of the Press since the passing of the Act of 1836. Unlike those prosecutions it was perfectly spontaneous on the part of the Board of Inland Revenue. Its eight years' existence in accordance with the rules in force had created a property which ought to have been respected like any other literary property. The enforcement, unprecedented in any similar case, of an Act which no Government had ever fully enforced, would have destroyed this property. Its proprietor, Mr. Charles Bradlaugh, a man earnest, independent, and courageous, apt by the extremity of his doctrines to excite the hostility of those engaged in theology and politics, could not have consented to carry on his work under the risk of making other persons liable to severe loss if he should incur an action for libel.

Behind this nefarious attempt there were, no doubt, persons who would have rejoiced at such a cowardly suppression of a very heterodox publication. I should not like to assert that any such feeling existed in Somerset House. But the new force there took no account of the opinion to this effect which the proceeding excited in the numerous body of Secularists throughout England. It recked nothing of the ruin threatened to Mr. Bradlaugh's undertaking. Nor did it consider what disapprobation it might create against the Government by putting into action a new interpretation of laws which a Tory Administration had consented to repeal.

Nor did it consider what Somerset House ought to have recollected, that the Security System was the only obstacle to the obtaining of a registration of all periodical papers. Nor did it consider that if it suppressed the ordinary sale of the *National Reformer* it might revive a war against the Government, in which the present Government, like those of former times, might suffer ignominious defeat.

The importance for us of Mr. Bradlaugh's trial lies chiefly in the skill and acumen with which Mr. Bradlaugh expounded the effect of the statutes which then attempted, but then, and even now, in vain, to define a newspaper; and in the interest which he created in the minds of the judges, to whom he submitted a theory which they admitted to deserve consideration, and on which they, perhaps, were glad to be spared from the duty of deciding, by the conduct of Mr. Gladstone's Administration, who, after accepting the prosecution from their predecessors, abandoned it at a time when an acquittal appeared far from improbable.

After a preliminary skirmish over the counts of the indictment, in which the Solicitor of the Inland Revenue was compelled to specify the statutes under which he prosecuted, the trial began, before Baron Martin in Westminster Hall, on June 13, 1868. Only ten special jurymen appeared, and with the concurrence of both parties they were discharged. Sir John Karslake's prudence is surprising after his speech in the House. But what is more surprising still is that Mr. Gladstone, coming into office on December 9, 1868, as Prime Minister, allowed the prosecution to continue; when Sir Robert Collier displayed an ignorance of the history of the Security laws almost equal to that of his predecessor. For about eight months the prosecution was suspended, then the proceedings were resumed.

In opening this "very short and simple case" before Baron Bramwell, in the Court of Exchequer, on February 2nd, Sir Robert Collier said:—

"So the law, I apprehend, is perfectly clear; you will hear from his Lordship that a newspaper is a paper containing 'any public news, intelligence, or occurrences printed at intervals of less than twenty-six days.'"

This sentence showed an utter oblivion of the point discussed in the case of the *Household Narrative*—the special meaning of the expression "any news," the

absence of which from the first clause in the schedule even Baron Parke thought might prevent a monthly paper from being a newspaper which contained some news, while the other three judges thought that even weekly papers, in spite of their presence in the third clause, might yet contain some news without being newspapers under the Act. Now this interpretation given by Baron Parke of the first clause, which, by the repeal of the third, was the only definition left for the case; this interpretation, acquiesced in by the other judges, was the ground on which Mr. Bradlaugh pleaded that the *National Reformer* was not a newspaper. This interpretation the Attorney-General set aside by what really was a quotation from the clause which had been repealed. Probably he did not know that he was making a false quotation. But it was exactly what it was his special duty to know. Not to have made himself master of the case of the *Household Narrative* was a gross neglect of duty on the part of an Attorney-General who was prosecuting a periodical only on the ground of its being a newspaper, which no similar periodical had ever been accused of being.

"Now, gentlemen, a word or two in respect to the second charge. The 60 Geo. III. cap. 9, section 8, says:—'No person from and after 30 days from the passing of this Act shall print or publish any newspaper or pamphlet.' The provision as to pamphlets has been repealed."

Another gross and disgraceful error, coming as it did from the counsel for the Crown. Mr. Bradlaugh had no difficulty in proving him to be utterly wrong on the second point, by a mere quotation of the Act; as to the first he said:—

"There have been put in to-day, somewhat irregularly, as my Lord thinks—

"BARON BRAMWELL.—Yes.

"MR. BRADLAUGH.—Copies of several publications, and the object of putting these publications in here to-day is to show that there may be publications within the period of twenty-six days; periodical publications which may contain news, and which yet are not newspapers; and what I would submit is, that a paper is not necessarily a newspaper from the mere fact of its containing news; that if the containing news be incidental only to the publication of a paper, that paper is not a newspaper. In the case of the Attorney-General *versus* Bradbury the question was very much discussed, and Lord Wensleydale gave it as his decided opinion that the clause of the schedule which has been commented on to-day by the learned Attorney-General (clause 1) was not to be taken

to mean that a publication which contained *any* news was a newspaper, but, on the contrary, there was to be understood as a newspaper a paper whose main and general object was to give the public information about public events. That is to say, the *Times* is a newspaper, because their main and general object is to make the public acquainted with the general news of the day; but a paper is not a newspaper, such as the *Engineer*, for example, whose object is specifically to talk and write to engineers about their special profession. In the *Engineer* there would be an engineering trial. In the *Medical Journal* you get news relating to squabbles between doctors, or the marriage of a doctor—matters of peculiar interest to the class to which it is addressed, and if you take into your hands the two papers (*National Reformer*) of May 3rd and 10th, you will find in these papers that there is not one item of news which does not bear on the special object of the paper."

The rest of the trial was really a conversation between the defendant, the Attorney-General, and the Judge. Mr. Bradlaugh's demeanour was serious and respectful. Sir Robert Collier was courteous, and did not resent Mr. Bradlaugh's exposure of his ignorance; and Baron Bramwell was positively genial.

The upshot of this day's trial was that Mr. Bradlaugh was to be allowed to submit to the Court of Exchequer that Lord Wensleydale's interpretation of clause 1 in the schedule of the Act of 1836 was correct, and that there was no news in the *National Reformer* that was not admissible under that interpretation. If the Court accepted Lord Wensleydale's interpretation, it would probably go on to say that it should have been left to the jury to say whether there was or was not such general news in the *National Reformer* as would make it a newspaper. In this case it would order a new trial.

I do not see why the verdict of the jury could not have been taken at once upon this point, subject, in the result, to the decision of the Court on Lord Wensleydale's views. But Baron Bramwell did not offer this, and I am not sure that Mr. Bradlaugh would have accepted it, in spite of the terrible inconvenience and expense of the prolongation of the trial—a trial how different from those into which we had dragged the Court of Exchequer, sure that, whatever the result, it would be useful to the cause we had at heart. We challenged the Government to give us a new liberty. But the Government called on Mr. Bradlaugh to give up a liberty which, till now, not only he, but everybody else had been allowed to enjoy.

Proceedings were resumed in the Court of Exchequer

before Lord Chief Baron Kelly, Baron Bramwell, and Baron Cleasby, on April 15th. Mr. Bradlaugh once more declared that "the grave question to which he would have to address himself" was whether the *National Reformer* was a newspaper within the meaning of the Act. He now once more adduced Lord Wensleydale's decision, and pointed out that his exemption covered the *National Reformer* as being a polemical paper, containing theological and metaphysical discussions, in which the items of news were incidental and incidental only. Baron Bramwell lent him most valuable aid.

"With a view to what you are upon now, I made this note. I ruled that though the news is limited to a particular class, having reference to the objects of the paper, it is within the definition of the Act of Parliament, and on that I give you leave to move to enter a verdict for you, adding, 'If the Crown think that it is not so limited, and the Court hold with the Crown, and that I ought to have decided in favour of the Crown, the verdict was to stand. If they think I ought to have left it to the jury, then there would be a new trial.' . . . No question was left to the jury.

"MR. BRADLAUGH.—No question was left to the jury."

The day's proceedings concluded as follows:—

"THE LORD CHIEF BARON.—You may take a rule to show cause upon the first and upon the third counts. Upon the first, that your letter admitting yourself to be the proprietor on the 10th of April is no sufficient evidence of your having been the proprietor on the 1st of May. On that point you may take a rule; and you may also take a rule as to the nature and character of the newspaper; a rule in the alternative for a new trial, or to enter a verdict for the defendant. I need not tell you that you must specify in the rule the grounds on which you mean to contend that you are entitled to a new trial, or to enter a verdict for the defendant.

"MR. BRADLAUGH.—It will be a verdict for me upon the view of the Court being in my favour as to the character of the paper; or a new trial upon its being decided by the Court that his Lordship ought to have left it to the jury.

"THE LORD CHIEF BARON.—Just so."

On April 23, 1869, Mr. Melvill wrote to Mr. Bradlaugh to say that a Bill having been introduced into the House of Commons to repeal the enactments under which the information against him had been instituted, the Law officers would, if he consented, agree to a *stet processus* being entered. Mr. Bradlaugh gave his consent at once.

The reason given for the abandonment of the prosecution was insufficient; so insufficient that it was a very poor apology for having resumed it after the Tory Government had broken down in the first trial. Before

the commencement of the prosecution, a Bill to repeal the Security System had not only been brought in, but had three times passed the House of Commons without a division. The prosecution of the *National Reformer* was an innovation upon the practice which had prevailed from the first hour of the Act of 1819. This practice was never to demand securities from a periodical unless it either was a *bonâ fide* newspaper or pretended to be one for the sake of obtaining the postage stamp.

It is difficult to say why the prosecution was *not* abandoned the moment Mr. Gladstone returned to office. It is less difficult to guess why it *was* abandoned after the display in court which we have recorded. The Attorney-General must have been sensible that the ignorance of the newspaper laws which he had exposed to the correction of the defendant was not calculated to sustain his hitherto unstained reputation. The line taken by the Judges showed that to call the *National Reformer* a newspaper was to strain in an unprecedented degree the only definition which remained for it in the schedule. The generous course would have been for the Attorney-General to have given notice to the defendant that he would no longer oppose the rule to show cause why the *National Reformer* should not be declared not to be a newspaper under the first clause in the schedule, and to admit that it was not one.

The defence of Mr. Bradlaugh was the most valuable personal contribution ever made to the liberty of the Press—the liberty, that is, to publish anything that cannot be punished on its own demerits. The prosecution attracted to itself all the venom that had originated the Act of 1819, and displayed all the weakness of that Act from the moment that systematic resistance was brought against it. That Act, in order to prohibit the study of politics to the poor, had imposed the Newspaper Stamp on all periodicals containing *any* news or comments on news, if published at intervals not exceeding twenty-six days. It had further required Security for all such papers, even if not periodical, if they were small or cheap. As the Attorney-General said with regard to Mr. Bradlaugh, the object was not to inflict punishment—the object was to prevent the poor from reading political publications by making them so dear that they could not buy them.

The professed object of all this was to prevent the

publication of blasphemy and sedition. These words, in the sense in which they were intended in 1819, would have applied to most of what was published in the *National Reformer*. But what was the defence which the judges agreed to be relevant, and almost allowed to be convincing? Simply that the object of the paper was not to publish news, but doctrine. The doctrine was the invalidity of the Established Church and the established Constitution of England. The determination of 1819 that papers not newspapers should be taxed as newspapers had worn out into a freedom of newspapers from taxation. The Security System, having never been imposed in fact except upon newspapers, broke down when it was attempted to impose it on the false pretence of being a newspaper. The defence of the *National Reformer* against the Act of 1819 was that it was the very thing which that Act was contrived to break down by falsely calling it a newspaper and taxing it as such.

The Security System appears to have never been of any use in protecting either the Government or individuals by making the securities pay fines incurred by newspaper proprietors. But it probably kept out of the newspaper trade many persons who were not prepared to swear that they were worth £300 and therefore entitled to execute a bond to that effect.

Mr. Hugh Tilsley, an officer of the Inland Revenue, publishes in every edition of his "Treatise on the Stamp Laws," from 1847 to 1865, the entire Act 60 Geo. III. cap. 9, but he mentions only one case in which an attempt was made to obtain from the security the damages which the principal was unable to pay; and this attempt was a failure. He writes:—

"A plaintiff who recovers damages against the printer or publisher of a newspaper for libel will not be permitted to institute proceedings against the sureties under the 60 George III. cap. 9 and 11 George IV. and 1 William IV. cap. 3 (*sic*) unless he shows that he has used due diligence without avail to get satisfaction from the defendant's goods.¹

"Nor can the securities be made available except for damages recovered against the editor, conductor, or proprietor of the newspaper. Therefore when an action was brought by the Duke of Brunswick against the publisher of the *Satirist* newspaper, in his character of publisher, the Court considered that the Statute did not apply."²

¹ This Act is better known as 1 William IV. cap. 73.

² Edition of 1853, page 510.

The reason for this exemption of the security for a publisher, if he is only a publisher, is that in the 1 William IV. cap. 73 the power of obtaining damages from the security is limited to actions against any editor, conductor, or proprietor of the newspaper or pamphlet guilty of the libel complained of.

This was an amelioration of the Statute, since it made a distinction in favour of the mere workman, who probably would have no part in the intention to libel.

CONCLUSION

AFTER considering in detail the effects of the Taxes on Knowledge for 157 years, it is impossible to avoid noting that, while there are some points which remain unchanged by time, there are others in which the very words used in the time of Queen Anne do not convey to us the same meaning which they did then.

The backbone of the system has always been a distrust of the people, and a desire to possess some control over them by treating as crimes actions admitted to be innocent. If you proceed against something which you consider libellous against yourself or seditious as against the Government, you must argue the case to the satisfaction of a jury, or at least of a magistrate, and you may not find your arguments convincing. But if, in order to keep incompetent people from presuming to instruct the public, you enact that no one shall publish except at distant intervals, at sizes not too small and at prices which poor people cannot afford to pay, you will be able to convince any magistrate whose conscience compels him to enforce the law, and any jury who recollect that their business is not with the law at all, but only with the facts.

One very remarkable thing in this long term of 157 years is the change that has taken place in the meaning attributed to the term "public news"; about which during the last fifty years of the whole term there has been so much difficulty. In Queen Anne's time there seems to have been no difficulty about this matter. Whatever was newly published was news. An eclogue of Virgil, a maxim of Socrates or of Marcus Aurelius, an escapade of Charles II. at Guildhall, or the meeting of some club that never existed, were all included as public news when given to the public. Till the Act of 1819 there was no speciality in "Comments on News."

But as the practice of reading and the interest in public affairs increased, the newspaper gradually in-

creased in size and price, and the Government, while it kept down the cheap Press by increasing the price of the Stamp, began to curry favour with the regular newspapers and gave them free postage in return for the Compulsory Stamp.

In the shower of indirect taxation which had descended upon us, newspapers were growing to be considered as legitimate subjects of taxation as malt or hops, and any attempt to dispense with the Stamp was looked on as smuggling, unless it had the sanction of the Government. The Inland Revenue, with a senseful consideration that their true position was that of tax-gatherers, left the Press alone except where they deemed that some revenue was due. They interpreted the Act of 1819 very liberally to the periodicals which abstained from general news and from discussions on matters of Church and State. They asked no Stamp Duty from the *Athenæum* or the *Literary Gazette*, but they made a difficulty about admitting them to the postal privilege for a part of their impression. In order to qualify this portion for the receipt of the stamp and postal privilege, these publications used to insert about three inches headed "Politics," and this constituted them into newspapers. This farce was not continued after the Act of 1836, but the partial stamp and the privilege of postage for the stamped copies lasted till the Stamp was abolished in 1855.

Lord Monteagle always maintained that, under his Act of 1836, a periodical was not a newspaper unless its object were to give the general current news of the day, and he told the Bishop of Exeter that Mr. Owen's *New Moral World* was not a newspaper. Nevertheless the third definition in his schedule made every periodical a newspaper if it contained *any* news or any comments on news, if it were published at intervals not exceeding twenty-six days, if it were sold for less than sixpence, or were less than 7 $\frac{1}{4}$ inches in surface.

In fifteen years the case of the *Household Narrative* displayed the confusion in which the Act of 1836 had left the Newspaper Laws. The reduction of the price of the stamp from threepence farthing to a penny was a relief to the proprietors of newspapers, and the reduction of the price of the London daily papers from sevenpence to fivepence was a relief to the vendors. But it did not raise the number of newspapers read in the

United Kingdom to more than four newspapers apiece for each man, woman and child per annum. The number of stamped newspapers in 1835 was 35,823,859; the number in 1851 was 95,163,395. But now, in 1896, the number is enormous. In 1837 the *Standard* published 1,330,000; in 1895 78,715,104.

We take for this statement the everywhere-published advertisement of the *Standard* that its daily issue is 255,292 copies. We believe the statement to be true.

A similar statement of the weekly circulation of *Lloyd's Weekly News* as 1,000,000 copies will give in the year 52,000,000.

This paper contains twenty columns of large size with all the current news of the day, all the legal proceedings likely to be interesting to the general public; with careful inquiries into important crimes and accidents, with tales and essays upon health and foreign travel, with two long columns of inquiries from persons in every part of the world and of answers thereto, by which a correspondence is created between many who have lost the clue to their mutual connection, which is thus restored to them. The price is only one penny. It was established in 1842. It is not a political organ, though it is "Liberal" in politics. It is, more than any paper we know, exactly the sort of paper which Lord Brougham declared to be made impossible under the Stamp, and which Mr. Cobden desired to make possible by its repeal. It gives to all classes who desire it what fifty years ago was entirely beyond the reach of the working classes of this country.

Partly by confusion of mind and partly by design, the Act of 1836 left to the Inland Revenue a great deal of discrimination in their treatment of unstamped publications.

Such a censorship of the Press was far from being the most impressive, but it certainly was the most illogical, ever known in this country. The great principle of the Board, namely, to protect the "Fair Trader," and, where he was not affected, to be blind, was consistent with much indulgence. But such indulgence required a more watchful eye than could be kept over subordinates all through the country, who might easily commit the office in London by some untimely zeal. So long as everybody in the provinces submitted, it was tolerably easy work. But when a body arose whose system

was to display the oppressiveness of the laws by bringing the blunders of its administrators before the Courts, the face of things was changed. The Inland Revenue got all the blame; but it really was not their fault; that is, while Mr. Timm remained Solicitor to the Board. When he left it, all consideration for the entangled state of the Newspaper Law, and all consideration of persons and interests involved, disappeared till the new method of procedure had been tried and had failed.

The fourteen years which elapsed between the repeal of the Stamp and that of the Security System showed in a clearer light than ever the evil consequences of leaving laws unrepealed when their injustice has caused them to cease to be enforced. It was at the instance of a fraudulent banker that the Inland Revenue asked for the opinion of Sir Richard Bethell whether they were bound to require newspapers to continue to find security against blasphemous, seditious, or personal libel. The terms of the case put and of the opinion given have never been published. But what are the facts? From the 30th of December, 1819, when the Act was passed, the Inland Revenue had ignored it, except in cases which involved the collection of revenue. The revenue is surrendered. The Attorney-General compels them to commence a new practice. Why? If it is that they are bound by the Statute, why does he not require them to enforce it against pamphlets? If the Law officers of the Crown had been entrusted with the building of the new Houses of Parliament, they would never have cleared away the rubbish that had been left by the fire of 1834, and, if there had been a committee room standing at the top, they would have left the half-burnt beams which supported it, till they fell down upon the members, while they were debating on an item in the miscellaneous estimates.

In the present case it was not at St. Stephen's, but at Somerset House, that things began to wear a tumble-down appearance, when Mr. Melvill cut out work for the law officers of the Crown and brought the Attorney-General more or less to grief. Poor Sir John Rolt knew nothing about the Security System. If he had consulted Sir Alexander Cockburn, then Chief Justice of the Queen's Bench, he might have learnt something of a work of which his predecessors had had at least quite as much as they desired.

After a little discussion in the House of Commons he escaped from the bar to the bench, and, in July, 1867, became a Judge.

Sir John Karslake succeeded him. He had not studied Newspaper Law, and he went to Somerset House to learn it, presumably from the new solicitor, who was beginning to learn it himself by trying experiments in it. Sir John Karslake accepted his instructions as a barrister usually does from the solicitor entrusted with a case; and when, as regards practice, these were incomplete he enlarged them from his own moral consciousness, which was not so safe a guide as would have been a study of the cases concerning newspapers in the Court of Exchequer. The laws respecting the public obligations of newspapers appeared to be unknown to lawyers, except to those who had taken part in the cases brought before that Court from 1850 to 1857. Eight years of the indulgence of Mr. Timm had wiped out from the legal profession nearly all recollection of this obsolete law.

Last of all, Sir Robert Collier, even when opening a prosecution, was not merely ignorant, but *misinformed*, about the statutes which he was endeavouring to enforce in a manner entirely unprecedented.

These lawyers accepted from the Inland Revenue not only the fact that no proceedings were taken till some information had been received, but the fallacious inference that everything was fair. As if it could be fair, when those who were not accused were allowed to go on with impunity! When the new solicitor set out on his task of enforcing this obsolete law, the law officers of the Crown took the affair in hand as willingly as they would have undertaken the prosecution of a man captured in the act of burglary.

This light-hearted recklessness is more dangerous than a cruelty of intention, which always excites indignation. There is no knowing how much oppression it may cause if it is not systematically resisted. But, in this last case, the light-hearted prosecutors found their Sedan. The courage, the knowledge, and the acumen of the intended victim baffled the careless ignorance of his accusers.

Together with the prosecution of Mr. Bradlaugh succumbed the Security System; the Georgian Code fell, having survived by fourteen years the Repeal of the *Taxes on Knowledge*.

APPENDIX

Schedule to "An Act to reduce the duties on newspapers and to amend the laws relating to the duties on newspapers and advertisements" (6 & 7 Wm. IV. c. 76); royal assent 13 August, 1835.

SCHEDULE (A).

	£	s.	d.
Containing the duties imposed by this Act on newspapers; (that is to say,)			

For every sheet or other piece of paper wherein any newspaper shall be printed	0	0	1
--	---	---	---

And where such sheet or piece of paper shall contain on one side thereof a superficies, exclusive of the margin of the letter-press, exceeding 1530 inches and not exceeding 2295 inches the additional duty of	0	0	0½
---	---	---	----

And where the same shall contain on one side thereof a superficies, exclusive of the margin of the letter-press, exceeding 2295 inches the additional duty of	0	0	1
---	---	---	---

Provided always that any sheet or piece of paper containing on one side thereof a superficies exclusive of the margin of the letter-press not exceeding 765 inches which shall be published with and as a supplement to any newspaper chargeable with any of the duties aforesaid shall be chargeable only with the duty of	0	0	0½
---	---	---	----

And the following shall be deemed and taken to be newspapers chargeable with the said duties; viz.

Any paper containing public news, intelligence or occurrences printed in any part of the United Kingdom to be dispersed and made public :

Also any paper printed in any part of the United Kingdom weekly or oftener or at intervals not exceeding 26 days containing only or principally advertisements :

And also any paper containing any public news, intelligence, or occurrences, or any remarks or observations thereon printed in any part of the United Kingdom for sale and published periodically or in parts or numbers at intervals not exceeding

26 days between the publication of any two such papers, parts, or numbers, where any of the said papers, parts, or numbers respectively shall not exceed two sheets of the dimension hereinafter specified (exclusive of any cover or blank leaf or any other leaf upon which any advertisement or other notice shall be printed) or shall be published for sale for a less sum than sixpence exclusive of the duty by this Act imposed thereon : Provided always that no quantity of paper less than a quantity equal to 21 inches in length and 17 inches in breadth in whatever way or form the same may be made or may be divided into leaves, or in whatever way the same may be printed, shall with reference to any such paper, part, or number as aforesaid be deemed or taken to be a sheet of paper :

And provided also that any of the several papers hereinbefore described shall be liable to the duties by this Act imposed thereon in whatever way or form the same may be printed, or folded, or divided into leaves or stitched, or whether the same shall be folded, divided, or stitched, or not.

EXEMPTIONS

Any paper called " Police Gazette, or Hue and Cry " published in Great Britain by authority of the Secretary of State, or in Ireland by the authority of the Lord Lieutenant.

Daily accounts or bills of goods imported and exported or warrants or certificates for the delivery of goods and the weekly bills of mortality, and also papers containing any lists of prices current or of the state of the markets, or any account of the arrival, sailing, or other circumstances relating to merchant ships or vessels, or any other matter wholly of a commercial nature; provided such bills, lists, or accounts do not contain any other matter than what hath been usually comprised therein.

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